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MADRAS RECORD OFFICE

GOVERNMENT OF MADRAS

Revenue DEPARTMENT

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Not to be folded or roughly handled

No. 409. Read the following Memorial from VEMAGANTI NARAYANA ROW, late Tahsildar and Sub-Magistrate of Woodiagerry Taluq, in the Nellore District, to the Most Noble RICHARD PLANTAGENET CAMPBELL, Duke of Buckingham and Chandos, Governor of Fort St. George, dated Nellore, 25th October 1876 :—

MOST HUMBLY SHEWETH,

That with reference to Government Order, dated 22nd September 1876, No. 1,898, he respectfully begs leave to submit herewith a Memorial, with its enclosures, to the address of the Right Honorable the Secretary of State for India; and to request humbly that your Grace in Council will be pleased to forward it to that authority with such favorable recommendation as your Grace may deem proper, in consideration of the innumerable evident injustices done to him by Mr. VansAgnew, the Collector of Nellore, as may be seen from his review petition to your Grace which forms an enclosure of that Memorial.

For which act of kindness and favor he shall, as in duty bound, ever pray.

ENCLOSURE No. 1.

Humble Memorial from VEMAGANTI NARAYANA ROW, late Tahsildar and Sub-Magistrate of Woodiagerry Taluq, in Nellore District, Madras Presidency, to the Most Noble the MARQUIS OF SALISBURY, Secretary of State for India, dated 25th October 1876.

MAY IT PLEASE YOUR LORDSHIP,

WITH profound respect and submission your Memorialist most humbly, begging pardon for the intrusion he may cause on your Lordship's most valuable time, craves leave to submit the few following lines for your Lordship's benign consideration, in the hope that, after a careful perusal of the petition hereunto annexed, your Lordship will be pleased, with that justice and clemency which is so characteristic of the English Supremacy in India, and especially of Statesmen like your Lordship, to take a merciful view of the hardships and injustices your memorialist has been illegally subjected to, and mete out such justice to him as he may appear to be deserving of in your eyes, and which he has by a most singular misfortune, as mentioned in paragraphs 135 to 140 of the petition, failed to secure at the hands of the District Judge.

2. Your memorialist was the Tahsildar and Sub-Magistrate of Woodiagerry Taluq, in Nellore District, when he was subjected to the disgrace and miseries, which form the subject-matter of the accompanying petition, by the very harsh and unjust proceedings of Mr. G. Vans Agnew, the Collector and Magistrate of that district, as will be proved to your Lordship by the petition itself and also by the documents therein mentioned. After the cruel and unmerited sentence was passed upon him, he caused an appeal petition to be presented to the Government of Fort St. George, through John Miller, Esq., Barrister-at Law, but the Government have declined to interfere in his case. He, after being relieved from the restraint in which he was unjustly placed, personally presented a petition to them stating in particular the abuse of authority exercised by the Collector to ruin your poor memorialist, narrating all the facts from the beginning to the end, and pointing out the extreme injustice done to him and the harsh and the oppressive proceedings of the Collector Mr. VansAgnew, who was prompted solely by a prejudiced spirit, as will be seen from the petition itself, and praying for a review of their former order. The Government should have taken into their favorable consideration a case like this, which is founded upon an abuse of authority by a Collector and Magistrate as fully detailed in the petition, but unfortunately for him they were only pleased to say that his case cannot be reconsidered as prayed for by your memorialist. Finding no other alternative left for him, he now humbly begs to represent

his unfortunate and unmerited sufferings to your Lordship's kind consideration, and earnestly prays that with that impartiality to your faithful and injured subjects for which your Government is so very celebrated, your Lordship will kindly peruse the accompanying petition which he submitted to this Government and its enclosures, confident as your memorialist is that your Lordship cannot but be convinced of the reasonableness of his representations and demands, that your Lordship will make amends for his past countless sufferings in the manner it may seem best to your Lordship.

3. The review petition sets forth how strong and great Mr. VansAgnew's tendency was, as he himself admits and as mentioned in paragraphs 16 to 29 and 28 to 30 of the review petition, to receive inundation of anonymous petitions and to listen to false and malicious representations against his subordinate servants; how with that incorrect opinion in his mind he attempted but unsuccessfully in several ways to ruin and disgrace many of them like your innocent memorialist, and more especially what unjust and unwarranted measures he took to carry out his ill-judged determination towards your poor memorialist, but all of which fell to the ground owing to their being contrary to justice; how his successive failures aggravated his previous severe displeasure towards memorialist, and only set him to work with a renewed vigour and spite; how innocent, patient, and obedient your memorialist was during all this period, what abuse of authority and what illegal steps he subsequently had recourse to; and, in short, how and in what unjust and cruel manner he finally succeeded in ruining and bringing disgrace upon your innocent memorialist The petition further, in paragraphs 24 to 26, sets forth your memorialists' antecedents and the very favorable opinions of all the predecessors of Mr. VansAgnew and other officers like him regarding your memorialist.

4. Your memorialist humbly begs leave to assure your Lordship of the correctness of all the facts mentioned in the petition, which will be further proved by the proceedings of Mr. VansAgnew, as also by a call for the records, if necessary. Your memorialist, therefore, fully trusts that your Lordship will come to the conclusion that your faithful and respectable servant has been unjustly dealt with, not through his faults and defects, but solely through the prejudiced feelings of the Collector Mr. VansAgnew, who, it may be known to your Lordship after he has once set his mind upon the ruin of an individual, never lacks the means and resolution to bring about the desired end, not minding even their illegality.

5. Your memorialist here begs leave to illustrate the above-mentioned characteristic and the general pre-disposition and rashness of the Collector by the following one out of many instances:—First his tendency to take cognisance of cases over which he has lawfully no control inasmuch as they were, even if true, cases purely of a civil nature such as that memorialist's subordinate servants failed to pay for the articles they bought long ago; and, secondly, his disposition to suspend them, charging them with those imaginary offences in the beginning, intending it to act as threats upon them, that they might depose as he wanted in the cases which he had framed against your memorialist, but his finally abandoning these charges without inquiring into them after his object was accomplished, and restoring those who complied with his wishes to their appointments, but dismissing those who failed to depose against memorialist from their places on other imaginary or fictitious charges. As exemplification of these two characteristics to which your memorialist has unjustly fallen a prey, your memorialist begs permission to refer your Lordship to paragraphs 8 to 14, 37 to 44, 62 to 77, and 105 of the review petition.

6. Your memorialist can speak in no measured terms of the misfortune, difficulties, and reduction in circumstances to which he has been doomed by the unjust and the unmerited injustices done to him, of the slur cast upon his reputation by the degradation inflicted upon him, and of the straitened condition which has necessarily followed by loss of his employment and the blighting of all his future prospects, and therefore most humbly prays that your Lordship will take a just, impartial, and merciful view of the case of your innocent memorialist,—a helpless and injured native, who and whose ancestors held respectable appointments under the British Government and served them faithfully ever since they assumed the sovereignty of the country, and that

Proceedings of the Madras Government, Revenue Department,
23rd November 1876.

your Lordship will direct the refund to your innocent memorialist of the fine unmeritedly imposed upon him and restore him to his office, of which he has been so unjustly deprived by Mr. VansAgnew.

For this act of justice and kindness he shall ever feel grateful, and humbly begs to remain your Lordship's most obedient and humble servant.

No. 410. ORDER THEREON, 23rd November 1876, No. 1,767.

Miscellaneous.

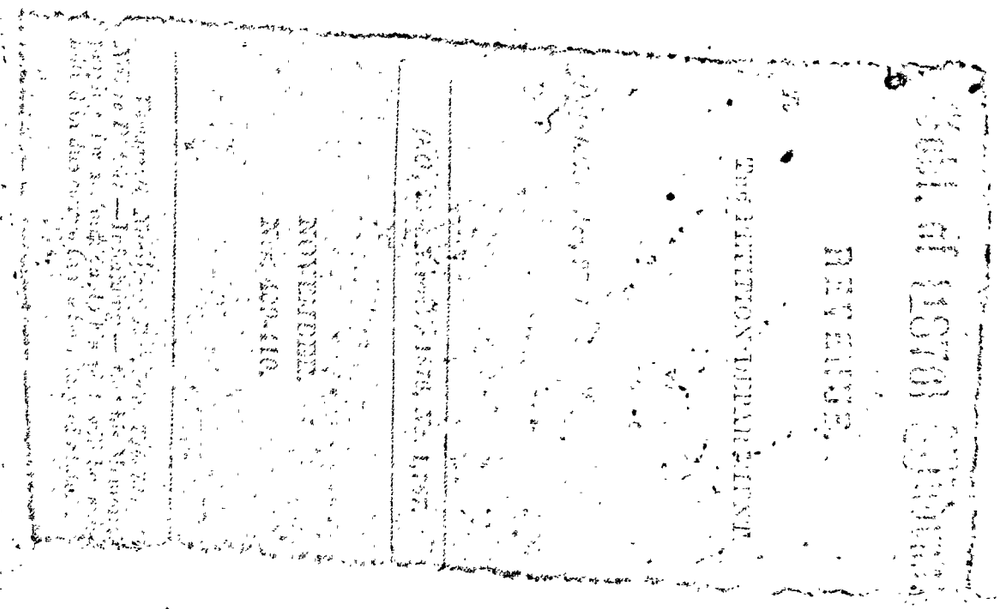
PETITIONER is informed that his Memorial will be submitted in due course to the Secretary of State.

(True Extract.)

(Signed) D. F. CARMICHAEL,
Secretary to Government.

To the Petition Department.

Exd. F. R. Bantleman.



To

The Most Noble Richard Plantagenet Campbell,

Duke of Buckingham and Chandos,

GOVERNOR OF FORT ST. GEORGE,

Madras.

The humble and respectful Memorial of VEMAGANTI NARAYANA ROW, late Tahsildar and Sub-Magistrate of Woodiagerry Taluq, in the Nellore District.

MAY IT PLEASE YOUR GRACE'S GOVERNMENT,

Your Memorialist most respectfully and humbly begs to bring to the kind consideration of your Grace that he served the State for about 20 years with credit and reputation in different offices of responsibility, such as Huzur Moonshee, Huzur Treasurer, Taluq Sheristadar, Deputy Tahsildar, Sub-Magistrate and Tahsildar, as is fully shown by the recorded Testimonials of several gentlemen of acknowledged high ability, keenness of discernment, and honesty of purpose in the Public Service, and that he discharged his duties to the entire satisfaction of all the gentlemen that preceded Mr. G. Vans Agnew, the new Collector and Magistrate of Nellore District, as mentioned below in paras. 24 and 25. While he was intending to complete his career and obtain his pension (to earn which only one year was wanting,) another and an unfortunate course happened to be his lot.

2. Your petitioner had at last the misfortune of coming under the displeasure of Mr. Vans Agnew, whose antecedents, and the cause of whose transfer from Cuddapah to Nellore are already known to your Grace's Government. This gentleman's chief characteristic is an unrepressed zeal to root out and punish what he believes, through anonymous petitions and misrepresentations, to be the corruption of the subordinate executive, as mentioned in paras. 15 to 22 and 28 to 30 below, and often tends to the ruin of innocent public servants.

3. Before proceeding to lay his case in detail, your petitioner humbly begs to represent that he fell into Mr. Vans Agnew's bad graces immediately upon that gentleman's advent into the district, owing to the false representations of Audaki Soodersena Row, the General Deputy Collector of Cuddapah, and C. Cundasawmi Moodaliar, the General Deputy Collector of Nellore. The former of these officials misinformed Mr. Vans Agnew that your petitioner was a native of Cuddapah, and therefore a bad man. The latter official, who had supervision of the petitioner's Taluq, made bold to represent to that gentleman, without any foundation, that petitioner had begged him to overlook any faults he might commit in his Taluq, and not to report him to the Collector Mr. Vans Agnew for any of them, as mentioned below in paras. 21 and 28. Mr. Vans Agnew, who was not aware of the petitioner's antecedents, was severely prejudiced by the malicious and unfounded representations of those officials, and in his rage made up his mind to compass your petitioner's ruin.

4. Mr. Vans Agnew's first attempt to cause your unfortunate petitioner's ruin was upon an unfounded and imaginary charge that your petitioner interpolated the word "*Not*" in a Land Durkhast Memorandum, received from

a village official. He had not only suspended your petitioner, but also recommended his dismissal from public service to the Board of Revenue. But the Honorable Board were pleased to cancel his order of suspension, and to direct his forthwith restoration to his post; as mentioned below in paras. 31, 32 and 33. Mr. Vans Agnew's sad disappointment in his attempt to ruin your petitioner on the strength of this imaginary charge, made him to adopt such measures as to carry out the object on which he had set his heart, without the possibility of the Board or the Government to stay his hands. Instead of restoring your petitioner to his Rapur Taluq, which he was directed to do, Mr. Vans Agnew transferred him to Woodiagerry, a distant Taluq, and during his absence he caused magisterial charges to be procured and tried against him, through the very Deputy Collector and Magistrate who carried false tales, as mentioned in paras. 34 to 50, and when those failed, he forthwith endeavoured to frame charges in the new Taluq, through the agency of the Taluq Sheristadar, and ruin him, through Mr. McCarthy, the then Head Assistant Collector; but as Mr. McCarthy was not a gentleman who could yield to his persuasions, and resort to unfair means, he failed in his fresh attempts, as mentioned in paras. 51 to 53. He subsequently lost no time in persuading Mr. T. Weir, the newly appointed Acting Head Assistant Collector, and bringing him to Woodiagerry to entertain certain false charges framed on his endeavours in abuse of his authority, as detailed hereinafter in paras. 8, 9, 54 to 77 and 105, upon which your petitioner was forcibly convicted and cast into Jail.

5. While your petitioner was undergoing the undeserved punishment inflicted on him (merely to satisfy the malicious disposition of Mr. Vans Agnew) he appealed to Government, through Mr. Miller, about the injustice done to him, and prayed for remedy. But, to your petitioner's great misfortune, Government declined to interfere in his case, and favored him with an endorsement through the Jail Superintendent. Your petitioner deems it essential to submit here that in consequence of the restraint under which he was placed, and the want of qualified relatives to supply Mr. Miller with the particulars of the case, the appeal petition failed to pourtray Mr. Vans Agnew, the abuse of authority he had exercised, and other various acts of injustice and cruel oppressions resorted to by him to ruin your innocent petitioner, as mentioned in paras. 54 to 140.

6. Your petitioner is now in a position to appear in person and lay his grievances before your Grace's Government, with no other object than only to establish his innocence, and prove that he was very unjustly and cruelly treated by that gentleman, quite against the rules and principles of your just Government; and he now humbly begs to approach your Grace with the following lines, with the fervent hope that your Grace will, on a perusal of his case, grant him that indulgence usually shown to aggrieved public servants.

7. Your petitioner most humbly and confidently appeals for a review of his case on the ground that the abuse of authority and high official pressure Mr. Vans Agnew had recourse to, to ruin your petitioner, merely to satisfy his malice, and which your petitioner has tried to substantiate by satisfactory evidence, will be deemed sufficient to prevail upon your Grace to reconsider his case. He further ventures to observe that though chiefly personal to himself, the matter is such as to affect, to a great extent, the interests of the most useful of the subordinate servants of Government, and therefore confidently hopes that after a perusal of this humble petition, your Grace will

not but feel convinced of the injustice done to him, and arrive at the conclusion that such acts of official tyranny and injustice must be noticed and checked by Government alone, so that honest and respectable servants, who had worked zealously and unremittingly for a long period, such as your petitioner, may not become the victims of caprice and animus at the hands of their official superiors in the absence of any fault.

8. It is indispensably essential to submit humbly for your Grace's favorable consideration that in this his last attempt to ruin your petitioner, Mr. Vans Agnew suspended your innocent petitioner for the trial of the first case, No. 92, on the bare statement of a Police Constable that your petitioner threatened him by saying that he would write reports against him, and thereby injure him, as mentioned in paras. 58 to 60, and that soon after his arrival at Woodiagerry the gentleman publicly insulted your petitioner, harshly abused him, and even attempted to strike him in the presence of a large gathering of public officials, subordinate servants, and ryots, &c., as mentioned in para. 63. Irrespective of this, he caused to suspend, discharge, and to subject to magisterial trials several of the subordinate servants specified below, who evinced a disinclination to criminate your petitioner, or depose in support of the charges concocted through his official influence and pressure, as mentioned in paras. 10 to 14, 64, 65 and 105. The panic that prevailed in the minds of the petitioner's subordinates, whom Mr. Vans Agnew had placed in irksome position, was such that they thought it the wisest and safest policy to fall in with the views of the head of the district, and to give evidence of a set of circumstances sufficient to please him, and to escape themselves from his hands, as mentioned in the foregoing paras. Your petitioner here humbly begs to assure your Grace that in all the subsequent cases in which your petitioner was tried, there were no complainants at all, but such complainants as were nominated, had nothing to do with the getting up of their cases and the finding of their witnesses. Everything was done for them by Mr. Vans Agnew or his favorites.

Subordinate servants suspended:—

1 Vencatavaradiah, 1st Class Revenue Inspector of Woodiagerry.
4 Karnams of Nandevaram Village.
1 Munsiff of do. do.
2 Peddacapoos or Head Ryots of Nandevaram Village.
1 Karnam of Nandipaud Village.
1 Munsiff do. do.
1 Munsiff of Doottaloor. do.
2 Peddacapoos or Head Ryots of Doottaloor Village.
3 Karnams of do. do. do.
2 Munsiffs of the Hamlets of the Doottaloor Village.

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Subordinate servants dismissed for refusing to criminate your petitioner:—

1 Vencatavaradiah, 1st Class Revenue Inspector.
1 Village Munsiff of Nandevaram Village.
2 Karnams of Doottaloor Village.
2 Peddacapoos or Head Ryots of Doottaloor Village.
2 Munsiffs of Doottaloor and a hamlet Village of Doottaloor.

8

Peons whose badges were taken from them, but which were afterwards returned to them on giving false evidence against your petitioner.

1 Peon, Venatanarasoo.
1 Do. Soobbiah.
1 Do. Paupiah.
1 Do. Ramasawmy.
1 Do. Narasoo.
1 Peon Vencata Ramoodoo.
1 Do. Mahomed Eusuff.
1 Do. Imam Mohadeen.

8

In addition to the above, a few Banian Merchants of Nundipaud Village were seized and strongly intimidated by threats of punishment and with heavy retaxation of their income if they did not criminate your petitioner.

9. Your petitioner most humbly begs to solicit your Grace's favorable attention to the above acts of Mr. Vans Agnew, and judge of the reasons that induced him to resort to such illegal steps, as it will not fail to strike every thinking mind that his motive in using such significant pressure was that evidence might the more readily be forthcoming against your unfortunate petitioner, who was infallibly marked out for ruin.

10. As a glaring proof of this high-handed policy and action, your memorialist humbly begs to notice here that Vencatavaradiah, the Head Revenue Inspector of the Taluq, was suspended and eventually dismissed because his deposition did not implicate your memorialist as desired. The new Acting Head Assistant Collector, who received his impressions from Mr. Vans Agnew, to whom he was subordinate, and whom he was bound to please, in consequence of his inexperience and novelty to the Mofussil, made the following remark regarding the above-named Revenue Inspector, who appeared as third witness in first case No. 92, and whose deposition was taken soon after the gentleman's arrival at Woodiagerry.

"The witness gave the Acting Head Assistant Magistrate the impression of not speaking the truth in what he did say, and of withholding evidence of nearly everything that he know."

11. Referring to this remark of the new Acting Head Assistant Collector, your petitioner humbly begs permission to solicit your Grace's attention to the enclosure No. 1, being copy of the appeal petition presented by the above Revenue Inspector to the Board of Revenue, and for the sake of convenient reference, your petitioner humbly begs to extract the following, which he deems will suffice to show your impartial Grace, that his failure to implicate your petitioner was the sole cause of his suspension and eventual dismissal. This Head Revenue Inspector, Vencatavaradiah, was an officer of long standing, and known for his probity and diligence, and the Honorable the Board of Revenue examined all the records connected with his case, and ordered his immediate restoration to his post.

(*Extract from his Petition, dated January*, 1873.)

Para. 3. The following facts will show that the Acting Head Assistant Collector was determined to dismiss me before any case came before him.

Para. 4. On the 19th September I was called upon by the Acting Head Assistant Collector to give evidence in the case brought against Vemuganti Narayana Row, Tahsildar of the Taluq. I gave the evidence accordingly, but as there was nothing in it which would criminate the Tahsildar, against whom the Collector was very bitter, he made a few remarks on my deposition, which showed that he was displeased with me. The next day, that is on the 20th September, he suspended me from my post, on the ground that certain Banians had complained, about six months previously, that I had not paid their dues for the supplies made to me. This case, however, was never enquired into by the Acting Head Assistant Collector, but in the course of the enquiry against the Tahsildar Narayana Row, some witnesses having stated that a bribe was given to me, the Acting Head Assistant Collector tried me in his magisterial capacity, but there being no evidence, he was obliged to dismiss the case. He nevertheless dismissed me from the service, on the ground that there was the moral, though not legal, evidence that I did take the bribe.

Para. 6. The fact is, Gentlemen, he wanted to dismiss me the moment I failed to give evidence against the Tahsildar. To prove this, I can also mention another fact. The Acting Head Assistant Magistrate, when summoning the officers of the several villages to give evidence in the Tahsildar's case, he suspended them from their appointments, and restored

them to their places after they gave their evidence against the Tahsildar. I bore no such evidence and the result is, I was suspended and finally dismissed.

12. It will be seen by the above extract that Vencatavaradiah avers that the reason of the Collector's proceedings against him and certain village authorities, was that they would not give false evidence against your Memorialist. He further avers that the Acting Head Assistant Magistrate in summoning the officers of the several villages to give evidence in the Tahsildar's case, first suspended them from their appointments, and subsequently restored them to their places after they gave evidence against the Tahsildar. The head Kurnum and the Munsiff of Duttalore, a large and populous village in the Taluq, who failed to implicate your petitioner, were at first suspended from their offices on the pretended plea of their failure to pay for the articles they purchased. This was, however, never enquired into. The charge was revised and changed into that of making excess revenue collection, and eventually they were dismissed from their offices.

13. Your petitioner succeeded in obtaining copy of an extract from the appeal petition presented by the above Kurnam, which he takes the liberty of inserting hereunder, in which it will be seen, that he confirms the statement of Vencatavaradiah, and also avers that the prime cause of his dismissal was his failure to implicate your petitioner. The Board of Revenue heard his appeal, and being satisfied of the injustice done to him, rendered him justice.

It may not be out of place to mention here that several who were dismissed for failure to give false evidence against your petitioner, appealed to the Honorable Board of Revenue and got justice.

(*Extract from the Kurnam's appeal petition.*) dated August 1874

Para. 1. The petitioner trusts that the following facts will convince the Board that the petitioner was unreasonably and unjustly dismissed from his office. Mr. Vans Agnew, the Collector, came to Woodeagerry to bring to risk the late Tahsildar Vemuganti Narayana Row, who appeared to us to have been under the ban and displeasure of the Collector. He brought along with him the late Taluq Sheristadar to accomplish the object with which he had travelled to Woodeagerry. He forced under the orders of the Collector, the subordinates of the Taluq Kutcherry such as Goomastahs and Peons, and went so far as to threaten and press them to prefer complaints and to give evidence against the Tahsildar. One of the threatened peons named Imam Mohoideen, to avoid himself from losing his employment, gave a deposition that the village authorities of Duttalore, have bribed the Tahsildar. Mr. Vans Agnew on the mere unfounded statement of the peon, suspended me, and eight other village authorities of my Village, Duttalore. Thence we were brought to Woodeagerry where we were kept under the supervision and persuasion of the Taluq Sheristadar for a period of 14 days, during that period they tried their utmost to make us say that we have made excess collections in our Village, Duttalore, and paid the same to the Tahsildar V. Narayana Row. We refused to criminate the Tahsildar by giving false

evidence, insomuch as there was in reality no excess collections made in our village and nothing paid to Tahsildar.—Consequently they caused two men who were out of employ and who were the co-sharers of our village, to charge us with excess collections promising them with our village authorityships. The Revenue Inspector Vencatavaradiah appealed to your Honorable Board how he was suspended and dismissed for not giving false evidence against the Tahsildar. Your Honorable Board after perusing the records in the case of that Revenue Inspector restored him and thus rendered him justice; and further I beg to say that those Nandaveram and Nundepaud village authorities who complied with the wishes of the Collector Mr. Vans Agnew in giving false complaint and evidence against the Tahsildar, have again been restored to their offices by the Collector, and those that declined to forge evidence against the Tahsildar V. Narayana Row, have then and recently been suspended and dismissed. The very village officers of Nandaveram and Nundepaud that were first suspended for having made excess collections, were restored to their offices, after they gave false evidence against the Tahsildar without any enquiry and punishment in the matter. All these facts will be proved, if your Honorable Board send for the records of the Acting Head Assistant Collector's Office and peruse them. The Head Assistant Collector who presided over the enquiry of the Tahsildar V. Narayana Row, suspended all of us as well as those of Nandaveram and Nundepaud villagers before any enquiry whatever was instituted. But as we refused to forge evidence against the Tahsildar Narayana Row, he caused our enquiry to be made on and dismissed us from our offices.

14. Your Grace will be pleased to find out from the original Takeed Enclosure No. 2 and the following, being the translation of it, issued by the Taluq Sheristadar in accordance with the orders of the Acting Head Assistant Collector that failure to pay for the articles purchased was the ground on which the Duttalore head Kurnam and Village Munsiff were first suspended. This however was never enquired into. Granting it was true, your petitioner asks whether Mr. Vans Agnew was competent to entertain such cases which certainly fall within the cognizance of the Small Cause Court. This failure to pay for the articles purchased, was the medicine first administered for every individual who failed to implicate your Memorialist; and your petitioner assures your Grace that it was not until such steps had been resorted to, and until your petitioner had been suspended, abused and nearly struck by a cane in the presence of a large gathering of ryots, &c., and his house searched and his desk, &c., carried away, that any evidence was forthcoming against your petitioner.

To,

Kambam Vengalareddy Village Munsiff and Chakecherla Malliah Karnam of Duttalore.

The Orders of the Head Assistant Collector dated 20th Instant has been issued to us, stating that Duttalore Anjanayuloo and others, have preferred a complaint against you, to the effect, that you obtained supplies of articles long ago from the merchants of Duttalore Village by issuing chits to them, but have not yet paid their money and thus, deceived them and that you are therefore suspended, pending enquiry. You shall understand this and accompany the Peon who brings this Takid taking with you

the accounts, and all papers of Circar, in order to deliver them at the Taluq Kutcherry and hand over them at the place.

Dated 20th Sept. 1872. Woodiagherry.

(Signed in Telugu) V. VENKATANARAINA ROW.
Sheristadar in charge.

15. It is known to Government that before being transferred to the Nellore District, Mr. Vans Agnew exercised harsh sway over Cuddapah, where he consummated the ruin of several innocent subordinate officials on the strength of the anonymous communications he received and the misrepresentations made to him by Audiki Sudersena Row, the General Deputy Collector of that District. It is unnecessary on the part of your petitioner to allude to the over-hasty temper of Mr. Vans Agnew, his tendency to listen to anonymous communications and use them as weapons for the destruction of poor and helpless subordinates, as your Government is already aware of his character during his stay at Madura, North Arcot, Trichinopoly, and Cuddapah Districts, and of the censures and transfers, &c. which he suffered on account of his official irregularities and incorrect reports.

16. It will not be out of place to notice here, that although the Government had on several occasions publicly notified that anonymous communications are not to be attended to, Mr. Vans Agnew paid no heed to their injunctions but continued to ruin many innocent men on their strength. Your Government when transferring him to Nellore, had to take notice of his hasty and unauthorized proceedings, and to express a hope that he would try to adopt a new line of policy in his new District. But still there appeared no trace of amendment in his official career. He brought with him to Nellore his disaffection to the Cuddapah people and paid redoubled attention to anonymous communications using them to the detriment of several of the subordinate officials both innocent and guilty without discrimination. His own expressions such as these quoted in the margin will better explain his statement about his desire to listen to anonymous petitions, &c.

In his letter to Board, dated 18th May 1871, No. 910.

Para 2.—Especially as my advent was signalized by a perfect inundation of petitions professing to expose all the tricks that had for years, past been played by the Nellore District officials. And I had scarcely set foot in the Nellore District in October last, before I received several petitions from the ryots of Kaunparty.

17. Without satisfying himself as to the genuineness of the statements contained in the above inundation of petitions and also as to the fidelity or otherwise of the fictitious signatures they contained, he presumed them to be correct and founded on their strength a prejudiced opinion that the subordinate officials of the Nellore District were wicked men, and that in consideration of his abilities they were awfully afraid of him, which opinion he himself expressed as shewn in the margin.

Para 33.—I was gazetted Collector of Nellore on the 2nd September, and it was well known throughout Nellore that I had exposed many tricks and severely handled the perpetrators thereof in the neighbouring District (Cuddapah), there was a great panic among the possessors of uneasy consciences among the Nellore officials.

18. Such being the state of things, it was not therefore a matter of difficulty for a gentleman of Mr. Vans Agnew's temper and feelings to act up without change to his prejudiced and preconcerted designs against those who were marked out for ruin; and he accordingly carried on a system of cruel persecution towards the subordinate officials in the Nellore District. He secured the services of the undermentioned gentlemen, who appeared in his view to possess peculiar powers for

misrepresenting things, concocting cases and procuring false evidence against those who unfortunately happened to incur his displeasure.

1.—Cundasawmy Moodelly, General Deputy Collector.

2.—Streenevassa Runga Row, Taluq Sheristadar of Woodeagerry Taluq.

3.—Somasoondrum Moodelly, Wood Overseer.

19. These favorites of Mr. Vans Agnew set themselves very assiduously at work and planned the destruction of Nellore Narayana Row and Parathasarathy Naidoo, Tahsildars of Woodeagerry and Kanigiri Taluqs, respectively, Vidula Hanoomajee Row, Hoozoor Cash-keeper, and also your Memorialist who was then Tahsildar of Rapur Taluq; your Memorialist was not only suspended without the sanction of the Board of Revenue but was recommended for dismissal on the ground of an imaginary case of forgery. Besides these, he transferred all the Tahsildars and Sheristadars from one end of the District to another on account of imaginary bribery cases, and dismissed the Deputy Tahsildars and Sub Magistrates of Podila and Vencatageri Divisions and the Salt Superintendents of Sunnapugunta, &c., Cottars.

20. These are a few instances of the harsh persecution he carried on. But the Honorable the Board of Revenue to whom the above officials appealed, being already well aware of Mr. Vans Agnew's hasty temper, perused all the records connected with their respective cases and being perfectly satisfied of the injustice of his proceedings restored them to their respective appointments.

21. It is a fact well known to every one in Cuddapah and Nellore, that the above Cuddapah General Deputy Collector Audiki Sudersena Row was inimically disposed towards your petitioner's father and his family members, in consequence of the disappointment he experienced in endeavouring to secure the Head Sheristadarship of Nellore by backbiting your petitioner's father who then held that post, to Mr. Elton a former Collector. He now enjoyed the confidence of Mr. Vans Agnew at Cuddapah and took the opportunity of that gentleman's transfer of saying things both false and unkind against your petitioner's old father and the members of his family that they were natives of Cuddapah and consequently bad men. He thenceforward made it a point to be on the look out for ruining your petitioner. It is true that your petitioner's ancestors may have resided at Cuddapah, but your petitioner never visited that place. About a fortnight after the arrival of Mr. Vans Agnew, your petitioner went to Nellore and paid his respects to him, and although it was the first interview he had with him in his life time, the misrepresentations of Audiki Sudersena Row poisoned his ears to such an extent that he met with a very unkind reception and treatment, and that all his humble and innocent protestations of honesty and good character proved entirely ineffectual to change his mind. Your petitioner begs leave to quote Mr. Vans Agnew's own words in the margin.

22. Your petitioner humbly begs to submit that he was one of the subordinates that visited Mr. Vans Agnew on his first arrival to the District and why he made such a special notice of your petitioner alone, your petitioner leaves it to your Grace to judge. But your petitioner is compelled to bring to your Grace's kind consideration that there must be some special cause for a gentleman quite new to the District and to your Memorialist to pass such uncalled-for and unpleasant remarks regarding your Memorialist in the very first visit only and to pronounce after a conversation of but a few minutes, that your Memorialist's qualifications and honesty of 29 years' standing, from his younger age, highly approved of by several gentlemen of greater respect and consideration, were very poor.

23. Your Memorialist feels compelled to observe that the above undeserved and uncalled-for remarks resulted solely from the poisonous tales carried to him by Audiki Sudersena Row and of the impressions thereby produced on his mind, or else he is at a loss to account for them.

Para 3.—The fact is that I had received Vemuganti Narayana Row in this his first visit to me, and that in the course of conversation, had put him generally through his facings in matters connected with the administration of his Taluq in order to ascertain what sort of stuff he was made of. The result was very poor impression on my mind of his capacity and fitness.

Para 4.—In the course of interview V. Narayana Row volunteered, repeated assurances of his honesty and excellent behaviour, and I took care not to let him depart without warning.

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DEPUTY COLLECTORS.

W. E. Jellicoe, Esq,
A. M. McGregor, Esq.
C. S. Baliah Garu
P. Chentsal Row Pantulu Garu.
Audiki Narayana Row Garu.
C. Cundasawmy Moodelly.

MILITARY GENTLEMEN.

Captain W. J Wilson.
Captain A. E. Bowen.
Lieut. F. H. S. Chalon.
Lieut. L. Highmoor.
Captain Galbreath.
Captain Grove.

24. Your Petitioner is descended from a respectable family and his father aged about 93, served your Grace's Government in various high capacities for upwards of 56 years, and is now in the receipt of a pension of Rupees 262-8-0 per mensem; your Petitioner humbly begs to quote hereunder for the sake of your Grace's easy inspection, extracts from the public records and opinions expressed by the Gentlemen marginally mentioned, under whom Petitioner served in the Districts of Vizagapatam and Nellore. Your Grace's Government is fully aware of the abilities of Mr. J. W. B. Dykes who was previously Collector of the Nellore District for a long time, and who introduced the Cattle Show, &c., novelties in the District, and of his desire to secure perfectly honest and faithful public servants. It was during his administration that the Taluqs of the Nellore District were reorganized, and in the reorganization he took care to select those whose character and abilities fully satisfied him. His opinion of your Memorialist runs thus:—

"Vamaganti Narayana Row, Sheristadar of Talamanchi Taluq, understands English, and seems an intelligent man." He was then pleased to make your Memorialist the Deputy Tahsildar and Sub Magistrate of the same Taluq in the new arrangement and owing to the conscientious discharge of his duties, Mr. Dykes recorded the following opinion about your Petitioner.

"I have always known V. Narayana Row, Sub Magistrate and Deputy Tahsildar, as a respectable good man; and on the retirement of the Hoozoor Treasurer, I intend to select him for the Treasury."

"The Collector has the pleasure under instructions from Government to convey to Vamaganti Narayana Row, their acknowledgement for his services as a Member of the Committee. The Government, it will be observed, consider they are greatly indebted to the Committee for the successful results."

"Vamaganti Narayana Row has been for sometime, Hoozoor Cash-keeper. He is a most respectable member of a respectable family and well fitted for the post."

"In leaving the District, I have the pleasure to repeat the character recorded of V. Narayana Row, two years ago. He is a respectable and well-behaved public servant."

Mr. J. A. C. Boswell certifies—"Vamaganti Narayana Row is a very intelligent and efficient public servant, well qualified and deserving of promotion."

Mr. E. F. Eliott writes—"Vamaganti Narayana Row is a well meaning man and well connected."

25. To avoid intruding upon your Grace's valuable time, as much as possible, your Petitioner begs to make a brief allusion to the opinions expressed by the other gentlemen under whom he served.

"A zealous and able public officer and of a very respectable family."

"I was satisfied with the manner in which he performed his duties."

"I gladly bear testimony to his integrity and diligence in the performance of several duties devolving upon him."

"I shall be glad to hear that his qualifications and tried service in various appointments have met with due rewards in his promotion."

"He does his work very satisfactorily."

"He possesses intelligence and energy."

"He discharges his duties very satisfactorily."

"I am glad to testify to the high character for integrity which he has borne, and I am well pleased with his abilities and conduct."

"He is an upright and well experienced public servant."

And so on.

26. While such were the opinions recorded of your Memorialist's faithful services by gentlemen of great experience and consideration, your Memorialist humbly begs to leave it to your Grace to judge how far Mr. Vans Agnew was justified in asserting in his first visit only and that too, after a few minutes' conversation, that "the result was very poor impression on my mind of his capacity and fitness." It will therefore be evident to any thinking mind that the above expression is not the result of any sincere examination of the Memorialist's qualifications, honesty and tried service of 29 years' standing, but of the bad opinion he was induced to form of the Cuddapah people of whom your Petitioner was stated to be one, and of the poisonous report carried to him regarding your Memorialist, and his father by A. Sudersena Row, the General Deputy Collector of Cuddapah, who as already stated was the bitterest enemy of your Memorialist's father.

27. Your Memorialist further begs to submit that the tone of Mr. Vans Agnew's conversation, the violent and unbecoming language used towards him on the very first visit, gave your Memorialist full signs of the bitter displeasure he had against him, and afforded him sufficient data to foresee the harm he contemplated on doing

your Memorialist merely as a native of Cuddapah which your Grace will certainly perceive from the following.

28. Your Memorialist submits here, in addition to the above misfortune, that his refusal to comply with the Nellore General Deputy Collector Cundasawmy Moodelliar's request for the loan of the large sum of money he wanted, brought him under his displeasure; and thus being actuated by a desire to revenge himself on your Petitioner, as he was aware of Mr. Vans Agnew's tendency to listen to tales, he availed himself of this opportunity of using his influence with Mr. Vans Agnew in poisoning his ears against your Petitioner and carrying to him false, and frivolous tales concerning your Memorialist. Mr. Vans Agnew's own words entered in the margin will suffice to shew that the Cundasawmy Moodelliar forced himself upon Mr. Vans Agnew in misrepresenting things about your Memorialist so as to prejudice the gentleman against your unfortunate Memorialist.

Para 2.—"The Deputy Collector when at the Nellore Cattle Show in February, had mentioned to me the fact that the Rapur Tahsildar had been to him at Nellore during the Cattle Show, and having bragged to him how kindly I had received and how satisfactory his interview with me had been, had then begged him to deal with him himself if he had any fault to find with him and not to report him to me."

29. Your Memorialist feels confident that your impartial Grace will not but perceive that this uncalled-for representation of the Deputy Collector was not only false, mean and malicious, but that it was the result of your Memorialist's refusal to grant him the heavy loan he wanted. Your Grace will not also fail to perceive that at the period to which the above conversation refers, your Memorialist had no cause to be afraid of anything as there was no blemish both on his private and public career nor any complaint against him, and consequently there was no cause to beg of the Deputy Collector's favour. His sole desire in carrying these false and frivolous tales to the Collector was to fan the flame already blazing forth in his mind, against your poor Memorialist and increase his hatred towards the Cuddapah people and thus take vengeance on your Memorialist for his refusal to give him the loan he wanted.

30. Without satisfying himself as to the truth or otherwise of all the representations made to him by the Deputy Collector Cundasawmy Moodeliar, Mr. Vans Agnew placed implicit reliance on his statements and went so far as to bring them to the notice of the Board of Revenue. It is however worthy of mention that the Board of Revenue were not satisfied with the tone of all the reports made by the Deputy Collector regarding your Memorialist and were pleased to qualify as exaggeration.

Mr. Vans Agnew's letter.	*Board's Proceedings.*
Para 5.— * * * —"Vemaganti Narayana Row by sinking all mention of the serious warning I had conveyed to him, no doubt designedly gave a false complexion to that interview * *."	Para 26.—"So far as the Board can judge from the Deputy Collector's reports, * * the phrase is an exaggeration."

PARA 6.— * * * * * *

31. Your Memorialist avails himself of this opportunity to submit a striking instance of the irregular proceedings on the part of both the Collector and his Deputy in the report made to the Board of Revenue. The Deputy Collector who conducted the investigation of the case of supposed forgery, charged a village Kurnam named Soobbiah with the interpolation of the negative particle word

"*not*," but the Collector who made no enquiry represents to the Board that the Tahsildar (your Memorialist) was the interpolator of the word "*not*." It is surprising that Mr. Vans Agnew in the same letter and in the same Para states thus—

Mr. Vans Agnew's expressions.

Para 41.—"It will be observed that in Para 11 of his letter of the 23rd March, No. 85, the Deputy Collector attributes the interpolation of the word '*not*' to the Kurnam Soobbiah, the village authority. But I may add that in a demi-official letter written to me at the same time, that officer expressed his conviction that the negative particle '*not*' was added in the Darkast memorandum at the Tahsildar's connivance after it reached the Taluq."

Board's Proceedings.

Para 2.—"The Deputy Collector who conducted the enquiry, such as it was in the first instance, discovered no proof of the charge and gave no hint on which it could be based; it was the Collector who first detected the supposed forgery and arrived at the conclusion that it was proved without having a more evidence before him than the Deputy Collector had. His reasons will be dealt with subsequently."

32. Your Memorialist humbly begs to state that how far Mr. Vans Agnew can explain these contradictory statements your Grace can better judge. If his statement that a demi-official letter was sent to him by the Deputy Collector had been a fact, he could have called upon him to explain the cause of these inconsistent statements or submitted it to the Board with his letter. Without resorting to any of the above steps or satisfying himself by a thorough personal investigation of the validity of the charge, he allows his already prejudiced mind to arrive at the above hasty conclusion. It will be seen by a reference to the papers forwarded by the Deputy Collector, that no allusion is made to the demi-official communication referred to by the Collector, and why it was not submitted to the Board is not accounted for.

33. Your Memorialist further begs to submit that in consequence of the above misrepresentations of both the Deputy Collectors of Cuddapah and Nellore and the impressions thereby caused in his mind, Mr. Vans Agnew suspended your Petitioner without any enquiry on the above imaginary case of forgery, and recommended his dismissal to the Board of Revenue. The very tone of his letter is sufficient to convince your Grace of the malicious spirit that actuated him to adopt such unjustifiable steps, which when taken in contrast with the remarks of the Honorable the Board of Revenue, will shew clearly beyond dispute that the charge he brought was unfounded and was the result of some deep-rooted anger.

Mr. Vans Agnew's expressions.

Para 11.—"The word '*not*' was not even observed in the Deputy Collector's Office, until the Tahsildar informed that officer, in his Urzee of 22nd January, No. 30, that this alleged written statement of the village officers was what he relied upon in accepting the Darkast. In my office three Goomastahs in reading the passage failed to notice the word at all even after it had been underlined as it is now."

Board's Proceedings.

Para 11.—"The Collector says that the Tahsildar's quickness to perceive the word is suspicious, but the document is before the Board, and the word '*not*' is plain to any one who reads the paper with ordinary care."

Para 12.—"And it is odd that, had it been the fact, the Tahsildar should have recorded no statement from them to that effect, and taken their signatures to it."

Para 11.—"The Collector says that the Tahsildar ought to have recorded a deposition on the subject from the village authorities, and so, he ought, if he could have foreseen, that the word would be thought to be an interpolation forged by him."

Para 14.—"But in my opinion the village officer did not make the interpolation in the Darkast memorandum, but the Tahsildar himself, who was driven to the desperate expedient to invent a defence of his conduct."

Para 25.—"I submit that my presumption is obvious, that the Tahsildar interpolated the word '*not*.'"

Para 43.—"In conclusion, it only remains for me satisfied as I am of Vamaganti Narayana Row's guilt to record my opinion, that he is unworthy any longer to serve the Government in any capacity, and to recommend the Board to pass an order dismissing him from public service."

Para 15.—"Hence, the Board failed to see in the circumstances of the case any ground for believing that the Tahsildar was driven to interpolate the word '*not*.'"

Para 18.—"Altogether the Board are convinced that the Tahsildar was not the interpolater of the word '*not*,' and that it was in the Darkast memorandum when it first came to him."

Para 35.—"The Tahsildar had no reason to dread dismissal or degradation. The order suspending Vamaganti Narayana Row, Tahsildar of Rapur, is cancelled, and he will be replaced in his appointment forthwith."

34. To a gentleman of such a temperament as that, possessed by Mr. Vans Agnew, an order condemning his earnest proceedings and authorizing the instant restoration of your Petitioner who was characterized by him as unworthy for any public service, must have been most galling. He thenceforward took measures to carry out the object on which he had set his heart without the possibility of the Board or the Government interfering for staying his hands. If the Board of Revenue had dismissed him from the service, as recommended by him, it would have satisfied Mr. Vans Agnew and prevented him from taking such cruel steps as eventually tended to subject your Petitioner, not only to the loss of appointment, but also loss of pension, money, and honor. The following facts will testify your Grace that Mr. Vans Agnew in the disappointment experienced by him in his endeavours to dismiss your poor Memorialist from public service, had recourse to illegal and cruel proceedings.

35. Instead of restoring him to his position as Tahsildar of Rapur, which he was directed by the Board to do, Mr. Vans Agnew purposely transferred him to the distant Taluq of Woodiagherry and set his heart and soul at work in consultation with the Deputy Collector Cundasawmy Moodelliar, to frame some cases and subject him to the extreme punishment which the dangerous Magisterial powers vested in him could admit, without reference to, or the interference of the Board of Revenue or your Grace's Government.

36. In sending your Memorialist the order of transfer to the Woodiagherry Taluq, Mr. Vans Agnew ordered him to proceed to his new appointment directly from Nellore, although he was fully aware that his family and things were at Rapur; and he further sent the Deputy Collector to procure Magisterial charges against him during your Petitioner's absence at Rapur, and although with that view the Deputy Collector instantly proceeded to Rapur, Sydapuram, Chaganam, and Marupur, being the largest villages in the Taluq and used great pressure in forcing people to complain against your Petitioner, he found no complainants were forthcoming.

37. Finding that he would incur the Collector Mr. Vans Agnew's displeasure if he failed in his mission to bring your Memorialist into trouble, and anxious to do his best to make cases against him, he at last, in a fortnight, framed the following charge, viz., that your Petitioner failed to pay a Banian for the small quantity of

eatables supplied to him at Syedapur on an indent or chit signed by the Village Munsiff of that place. None of these parties complained, and though it is evident that this was of a pure civil nature, it was nevertheless by order* of the Collector converted into criminal proceedings.

* See his letter to the Deputy Collector and *vice versa* about 15th September 1871.

38. Granting that the Village Munsiff whose signature the indent bore or your Petitioner who had no concern at all, failed to pay for the articles they purchased, the Deputy Collector or the Collector had no authority to take cognizance of such civil case even if the Banian complained in person to them, while it has been provided by the Legislature, that such suits should be filed in the Subordinate Courts of Judicature established.

39. Mr. Vans Agnew sent to your Memorialist to Woodiagherry a Telugu order, enclosing in it the Magisterial summons of the Deputy Collector, and directed him to deliver over charge of the Taluq to the Sheristadar (the favorite of Mr. Vans Agnew) and to attend the Deputy Magistrate's Court at once. In obedience to the above order, your Memorialist proceeded to Naidoopet and attended the Deputy Magistrate's Court for trial, but as no evidence was forthcoming to prove the false allegation, the case fell to the ground.

40. Being frustrated in this his attempt to criminate your Memorialist, the Deputy Collector prevailed on certain parties to charge that your Memorialist failed to pay bandy hire for five carts load of firewood he purchased, and began to enquire into it in his Magisterial capacity. There were no complainants also in this case, and though the bandy drivers, the Village Munsiff, and Peddacaupus, were persuaded to depose against your Memorialist, their conscience compelled them to adhere to the truth and to depose that your Memorialist had paid them their full due. This case also thus fell to the ground. But the Deputy Collector to mark the sense of his displeasure against the Village Munsiff for his refusal to utter falsehood, dismissed him from his post.

41. The cases next framed against your Petitioner were that he did not pay house rent while residing at Rapur, and that he purchased a pony and did not pay for it. Though various were the unfair measures adopted by the Deputy Collector to have these cases proved against your poor Memorialist, the individual that sold the pony, and the house-owner deposed that they had no claims against your Memorialist, and that they received what was really due to them and executed receipts for that amount. These also thus broke down. The former being a Goomastah of the Taluq Cutcherry was first suspended and then dismissed on a pretended plea, and he appealed to the Board of Revenue and got justice.

42. Your Memorialist avails himself of this opportunity to solicit your Grace's attention to the gross irregularity that characterized the Deputy Collector's proceedings against your Memorialist. Failure to pay for the eatables supplied, and for the pony purchased, &c., though genuine, cannot certainly form Magisterial cases, but as they were undertaken mainly upon the orders* and approval of the Collector, the Deputy Collector had a wide field left open to him for abusing the Magisterial powers, with which he was vested, to the detriment of your Memorialist.

* See letters *vice versa* from 1st August 1871, to the end of February 1872.

43. The summons issued to your Memorialist, though signed by him in his capacity as a Magistrate, did not specify the section of the Penal Code under which he was charged, nor was it prepared in accordance with the form prescribed by law. The law was set at defiance and a dubious wording was adopted as *marginally mentioned so as to afford them an opportunity of changing the case as they pleased. By a reference to the Telugu Enclosure No. 3 being the duplicate of the summons issued to your Memorialist, your Grace can judge the views of Mr. Vans Agnew or of his Deputy, to what extent they have contemplated doing mischief to your Petitioner. What law will allow this injustice to pass on, and your Petitioner feels confident that your Grace will certainly call upon Mr. Vans Agnew and his Deputy to account for the savage outrages of law above noticed. Whatever may be the amount of the guilt involved in the cases, it is the duty of every disinterested tribunal to hold an impartial enquiry and attend to the requisitions of the law as scrupulously as possible and not deviate even to the slightest degree from it, merely to satisfy his own personal animosity.

***TRANSLATION OF THE SUMMONS.**

DUPLICATE.

No. 1.

Summons to the accused.

To

VAMAGANTI NARAYANA ROW,
Tahsildar of Woodiaghiri residing at Woodiaghiri.

ORDERED HEREBY.

As your presence is necessary to answer for the complaint filed regarding the crime of receiving any valuable thing without paying anything from a person who had concern in any act or business transacted by you, you shall appear before the Deputy Magistrate of Naidoopet, at 11 o'clock, on the 14th September 1871, at Sydapoor, in Rapur Talook, you shall not fail to do so.

(Signed) C. CUNDASAWMY MOODELLY,
Dy. Magistrate.

Naidoopet, 30th August, 1871.

44. The displeasure Mr. Vans Agnew had against your Petitioner—1stly, as a native of Cuddapah; 2ndly, the disappointment he experienced in his attempts to dismiss your poor Memorialist in the alleged forgery case; and lastly, his abhorrence of men belonging to high and respectable families, induced him to adopt the illegal proceedings above detailed. If the head of the department is to be thus inimically disposed towards a subordinate like your Memorialist, and be so harsh as to use his influence in framing false cases against him and seeing them proved, what chance will be left for his escape.

45. During the time of the above enquiry, your Memorialist being fully convinced that the Deputy Collector was actuated both by a personal grudge against your Memorialist, and by a desire to meet the wishes of Mr. Vans Agnew, he petitioned Mr. McCarthy, the then Head Assistant Collector, in whose range your Petitioner's new Taluq was situated, to have the cases transferred to his Court, and thus save the Memorialist the expense and trouble of travelling forwards and backwards, a distance of 125 miles, to attend the Deputy Magistrate's Court. The Head Assistant Collector Mr. McCarthy, referred the Petition to Mr. Vans Agnew who, as was already anticipated, refused to comply with the request.

46. On another occasion, when the Head Assistant Collector proposed to Mr. Vans Agnew to allow your Memorialist to stay in his Taluq until the Jamabundy was over, without going to the Deputy Magistrate's Court for the trial of the above mentioned cases, Mr. Vans Agnew apprehending that the concession of this favour would certainly unravel the conspiracy already set on foot for your Memo-

rialist's ruin declined to sanction the proposal, and directed your Memorialist to proceed at once to the Deputy Magistrate's Court. He at the same time remarked* that the Memorialist's application was worded in a jocular tone, and that he would soon make your Petitioner taste the results thereof.

* See his letter to Mr. McCarthy, on about 14th January 1872.

47. And subsequently when the Annual Cattle Show for the year 1872 at Nellore took place, he invited all the Tahsildars in the principal division to attend the Show as usual, but on this occasion Mr. Vans Agnew directed that invitations should be sent to *all* save your Memorialist whose face he shunned to see.

48. Your Memorialist humbly begs to leave it to your Grace to judge whether an officer uninfluenced by a personal hatred would behave as above described, and whether these irregularities suffice to shew the determination Mr. Vans Agnew had, to grasp at any opportunity of ruining your Memorialist. If your Grace allow such irregularities to pass unnoticed, what safety will subordinate servants have. Every honest servant of Government will be liable for punishment, merely to satisfy the whim of his superior officer.

49. As stated above, the four cases framed by the Deputy Collector with the approval of Mr. Vans Agnew fell to the ground for want of evidence, and your Memorialist prayed to be favoured with copies of papers connected with them, but they were refused, and why they were not granted will be evident to every thinking mind.

50. Having undergone all the troubles and vexations attending on the unjust trials in the above cases for four months, your Memorialist, anticipating the impending dangers, proceeded to Nellore and attending on Mr. Vans Agnew, solicited a personal interview with him, so that he might reconcile matters with him. This being refused, he petitioned Mr. Vans Agnew (1stly), to transfer him to the Huzoor Treasurer's Post which he formerly held; 2ndly, to grant him one year's furlough; and 3rdly, to allow him to retire on pension. But Mr. Vans Agnew did not think it worth his while to favour him with any orders on his above three successive Petitions. He merely directed him verbally through a Daloyet (named Fakeer Hammed) to proceed to his Taluq at once, as he did not like to see his face or converse with him. Your Petitioner then accordingly proceeded to his Taluq and awaited the ruin with which Mr. Vans Agnew threatened him.

51. Failing in his attempts to ruin your Memorialist through the instrumentality of the Deputy Collector, Mr. Vans Agnew had next recourse to Streenevassa Runga Row, the Taluq Sheristadar of the new Taluq. He was one of the favourites of Mr. Vans Agnew as already brought to your Grace's notice in para 18 of this Petition and lately promoted to this Sheristadarship, not on account of his bright abilities, but owing to the meritorious service rendered by him in ruining many subordinate officials in the Nellore District as mentioned above. Relying on the ability of this Streenevassa Runga Row (the Sheristadar) in concocting cases, Mr. Vans Agnew next employed him as his agent for ruining your Memorialist, giving him hopes of his confirmation, as a reward for his services, in the post of Tahsildar, in which he acted on the several occasions of your Memorialist's absence to attend the Deputy Magistrate's Court at Noidupett.

52. The Sheristadar cheerfully responded to this call, heartily and earnestly set to work in conjunction with the Police Inspector and his staff (who are invariably at variance with the Magistrates) to procure cases against Petitioner. He, however, in a month's time, was able to succeed in causing the Police Inspector to enter in his occurrence report forwarded to Mr. McCarthy, the Head Assistant Collector, that the Tahsildar (your Memorialist) had not paid sufficient hire to a goldsmith who prepared a small jewel for him, and that he (the Tahsildar) had attempted to receive bribes from the villagers in his Taluq, and offered himself as the only witness in support of them.

53. Though the charges were undoubtedly false, yet Mr. McCarthy in order to satisfy himself examined the goldsmith in question, and also the villagers (present at the Jamabundy) pointed out by the Police Inspector and the Sheristadar, and observed from their statements that the charges were not at all borne out, and that they were merely an invention of the Sheristadar to annoy your Petitioner. Mr. McCarthy rebuked the Police Inspector and the Sheristadar, and the latter apprehending the consequences of his displeasure, obtained at once three months' leave and proceeded to Nellore to dance attendance on Mr. Vans Agnew and to show him that he was engaged in procuring cases against your Petitioner.

54. While matters stood thus, to the greatest misfortune of your Memorialist, Mr. McCarthy was transferred and Mr. Weir, a quite new and inexperienced officer, was appointed in his stead, and Mr. McCarthy when leaving Nellore was pleased to record in the office conduct register his satisfaction regarding the services of your Memorialist. Thus your Grace will perceive that there was not the least blemish on the character of your humble and faithful servant, till the time of Mr. McCarthy's departure from Nellore, but your Grace will soon find from the following, that your Memorialist was within so short a time as twenty days, brought into risk unexpectedly.

55. Mr. Vans Agnew accommodated Mr. Weir on his arrival to Nellore, in his own house, and introduced to him his favourite Streenevassa Runga Row (the Sheristadar) who was waiting on him, and then permitted him to go and take charge of his office. The Sheristadar, in obedience to Mr. Vans Agnew's orders, proceeded to Woodiagherry in all haste, and having taken charge of his office, engaged himself very assiduously with the Police, (his friends) and lost no time in framing cases against your Petitioner without attending in the least to his own duties as Sheristadar.

56. The first step taken by the Sheristadar regarding your Petitioner was from the following simple affair. The Police Head Constable stationed at Woodiagherry, who was at variance with your Memorialist, came to him one Saturday evening while the Sheristadar was sitting with him, and verbally requested permission for taking to the Head Assistant Magistrate's Court, one Koti Soobba Row, a Goomastah of the Taluq, whom he charged as 2nd Defendant, for having stolen a basketful of chunam. Your Petitioner replied to him that the Police in doing their work are not required to get the previous permission of Magistrates, but that as he asked for permission on the ground of the Goomastah being a subordinate of your Petitioner, he at once verbally granted him the permission required. The

Constable not being satisfied with the verbal order, requested again your Petitioner that he should pass his written orders on the subject; your Petitioner then told him that if he wanted his written orders, he might apply for the same by presenting a written occurrence report as usual, and his orders would be passed thereupon. The Constable then showed his unwillingness for presenting a written report, but told your Memorialist that his superior, the Police Inspector of the Taluq, was not at Woodiagherry, and that as there was some delay in the arrest of the 1st Defendant in the said theft case, he would in the meantime, write to his superior a letter and obtaining his permission, present the usual report, and he then went away. He accordingly presented the report on the Monday following, and your Petitioner at once endorsed his orders on the very occurrence report, but the Sheristadar who was eagerly waiting for an opportunity and who heard the conversation, availed himself of the unwillingness felt at first by the Constable, conspired with him against your Petitioner and induced him to implicate your Petitioner as having threatened and prevented him (the Constable) from arresting the Goomastah at once on that very Saturday; by encouraging him (the Constable) by a promise to offer himself (the Sheristadar) as witness to prove the implication contrived against your Petitioner, but kept the contrivance very secret, and privately informed Mr. Vans Agnew of it who, in the meantime, transferred the Sheristadar to act as Sub Magistrate of Nellore town, with no other view than to enable him to hold interviews with him and procure the materials for criminating your Petitioner.

57. Overjoyed at this opportunity, the Sheristadar carried with him materials requisite to the contrivance, and also took the Police Head Constable to Nellore, and informed Mr. Vans Agnew in person of what he had done. To criminate your Memorialist as contrived, it was first necessary to have the Goomastah convicted. He was accordingly convicted and punished.

58. The Constable made no mention at first of the implication contrived against your Petitioner to Mr. Weir, the new Acting Head Assistant Magistrate, who tried the theft case of the Goomastah, or until the case was finally disposed of, but he was afterwards taken by the Sheristadar to Mr. Vans Agnew, and having obtained the Gentleman's permission for putting forward the implication contrived regarding your Petitioner, the Constable was then forced to depose before Mr. Weir to the effect, that your Memorialist threatened to injure him if he arrested the Goomastah, and that he (your Memorialist) made in his own handwriting certain alterations in the letter, he directed him (the Police Constable) to write to the Police Inspector of the Taluq, requesting him to come to the Head-quarters on account of the Goomastah's case, and that he (the Constable) kept the letter with himself without forwarding it to the Inspector, but told the Tahsildar that he had torn it to pieces.

59. Your Petitioner here begs to assure your Grace, that it was not until he received all of a sudden a suspension Takeed from Mr. Vans Agnew, that he knew anything of the contrivance planned by the Sheristadar. The implication invented against your Petitioner was so well secured between the Sheristadar and the Constable, that it was not even brought to the notice of his immediate superior, the Police Inspector of the Taluq, or even mentioned in the charge sheet presented

subsequently regarding the theft case of the Goomastah by the Constable to the new Acting Head Assistant Magistrate Mr. Weir. Your Grace will observe that had this implication been a fact, the Police Constable should have inserted it simultaneously in the above document (charge sheet), as the implication he alleges was altogether about the Goomastah's arrest, and as he states that the act of threat took place before the Constable's arresting and charging the Goomastah. At least he should have informed his superior, the Police Inspector, of the origin of the letter, said to have been written under the Tahsildar's instructions, of the Tahsildar's having made some alterations in it, of the letter being kept by him (the Constable) without being sent to the Inspector while it was directed to his address, and of the statement he made to the Tahsildar that he had torn it to pieces, inasmuch as the Constable confesses that all these transactions took place before he had a meeting with his superior (the Police Inspector) near Woodiagherry, on his way to Nellore. The question now is, whether this is likely to be true and whether your Memorialist, with the awful threats of Mr. Vans Agnew, hanging over his head, would be so foolish as to place himself in the hands of either the Sheristadar, whose conduct and attempts were well known to your Petitioner, or of the Police Constable who, as the evidence of his immediate superior the Police Inspector shows, bore towards him no good-will as your Memorialist had frequently reported him for disobedience, disrespect, and unauthorized conduct of cases. Irrespective of this it may be easily perceived that the statement of the Police Constable is not worthy of belief, as your Memorialist being invested with the Magisterial powers could dispose of any case as he thought proper when brought before him without soliciting the intervention of the Police Constable or the Police Inspector in its disposal.

60. Your Memorialist begs to submit that the true facts in the case were not brought to the Head Assistant Magistrate's notice, nor did he ask your Memorialist to explain the same but the words of the Constable were taken for gospel, and without even making a preliminary enquiry required by law, a Magisterial summons signed by Mr. Weir and an order of suspension signed by Mr. Vans Agnew were simultaneously issued to your Memorialist. It must be here remarked that Mr. Vans Agnew did not obtain the previous sanction of the higher authorities for Petitioner's suspension, or for his prosecution, for the acts said to have been committed in his Magisterial capacity, although the rules required a reference to them before resorting to that step for prosecuting a Tahsildar or a Sub Magistrate. It is thus, the Board of Revenue and the Government were both evaded in bringing your Petitioner to trial.

61. It will appear from the deposed statement of the Constable, that the Sub Magistrate (your Memorialist) had threatened to injure him by writing daily reports against him (the Constable) and prevented him from arresting the offender. If this, his statement, had been a fact, your Memorialist humbly begs to assure your Grace that your Petitioner should have threatened the Police Constable with a threat, viz. "To write daily reports and injure him," only in the capacity of a Magistrate, as he could not have used it otherwise. In that case, your Grace will not fail to observe that the previous sanction of the higher authorities as required by rules is invariably necessary for prosecuting a Sub Magistrate of the Taluq.

62. Your Petitioner therefore feels compelled to bring at this opportunity to

the kind notice of your Grace that on former occasions when the Tahsildars of Koolatalai and other Taluqs in Trichinopoly, of which district Mr. Vans Agnew was once the Collector, were put on trials by the District Magistrate on similar charges without first obtaining the sanction of the higher authorities for prosecution, in accordance with the rules in force, it was held by the Sessions Judge of that District that the non-obtaining of the previous sanction of the Government or the Board of Revenue was fatal to the trial of the accused and therefore dismissed the charges; and when the District Magistrate subsequently requested the sanction of the Board of Revenue for prosecuting the same individual, they, having called on the Magistrate for an explanation of his preliminary enquiry, found there were no grounds to sanction the prosecution as proposed, and declined to grant the same. Mr. Vans Agnew who knows full well the difficulty of obtaining the sanction of the higher authorities for prosecuting Tahsildars or Sub Magistrates in the Magisterial bench, thought it advisable to abstain from taking that trouble on himself and to use his own powers, and he accordingly suspended your Memorialist at once without even making a preliminary enquiry into the truth, or otherwise of the charge attributed to your Petitioner by the unfounded statement of the Constable in question. Your Grace could find out by this very reason that Mr. Vans Agnew had determined to crush your Memorialist at any rate without taking into consideration the justness or otherwise of the steps he took to accomplish his purpose.

63. It is also worthy of mention that the order of suspension was brought to your Petitioner, not through the post as usual, but by the Collector's Daloyet with instructions that no delay should be made in its delivery and within a very short time after it reached him, Mr. Vans Agnew accompanied by Mr. Weir who travelled in the same conveyance, made his appearance at Woodiagherry. As soon as your Petitioner heard of their arrival, though sick of dysentery and under suspension, your Petitioner thought it advisable to pay his respects to that gentleman. There was then a large concourse of people present. As soon as he saw him (Petitioner), Mr. Vans Agnew violently abused your Petitioner and lifting up his cane, proceeded to lay it across his shoulders, when Mr. Weir rushed forward and only saved your Petitioner from the descending blow by dragging him away. He then ordered his Daloyets to push your Petitioner out of his presence, and directed his Assistant (Mr. Weir) to enter your Petitioner's house, break open his private apartments, and also to carry off a desk of private papers and dufter belonging to your Petitioner which were never returned up to this day, and Police Constables were placed before your Memorialist's house to watch the movements of the inmates, and also prevent your Petitioner's friends and relatives from having access into it. This public disgrace had an ominous effect. It was now known to the public beyond all dispute, that your poor Memorialist was under the irrevocable and implacable displeasure of Mr. Vans Agnew.

64. During their journey to Woodiagherry, Mr. Vans Agnew and his Head Assistant accompanied by their favourites the Sheristadar and the Wood Overseer, halted in the villages of Nundaveram and Nundepad, (important villages in the Petitioner's Taluq), sent for the village authorities and directed them by threats of suspension and dismissal, to accuse your Petitioner. They expressed their inability to bring any charges against your Petitioner, upon which the Sheristadar was left behind to tutor them and bring them forthwith to Woodiagherry with some further cases.

65. The Sheristadar accordingly brought on the same day to Woodiagherry

all the authorities of Nandavaram and the Village Moonsiff and also the Kurnam of Nandipaud and a few Banians of the latter village. They were suspended and placed in an irksome position in the Sheristadar's charge for being tutored. The Moonsiff of the former village stated readily that he had no complaint whatever against your Petitioner, upon which he was instantaneously dismissed from his post, alleging that he was unfit for the employment.

66. Your Petitioner humbly begs to submit here, that Mr. Vans Agnew caused your Petitioner to be put on trial for an accusation, that he threatened a Constable by saying that he would write reports for the future against him, but it is surprising that the Gentleman nevertheless quite against his conscience, took the unwarrantable steps of suspending and removing a number of these village authorities and the Head Revenue Inspector, &c., public servants, and subjected them to Magisterial trials in order to strike terror into them and intimidating them thus, compelled them to come forward and make statements, out of which criminal charges could be manufactured against your Petitioner.

67. Having now fully satisfied himself that the disgrace to which he subjected your Memorialist and the suspensions and dismissals of the above village authorities, &c., rendered it no longer difficult to find materials for framing new cases against your poor Memorialist and also to procure the necessary evidence to support them, he and his agents proceeded to effect the same.

68. At first the Banians that supplied your Memorialist with the necessary articles of food, the coolies that erected the cow-shed in front of his dwelling and those that excavated at the public expense the channel that connected the hill with Woodiagherry town, were sent for and forced under pain of punishment to depose that your Petitioner defrauded them of the cost of the articles supplied and exacted from them compulsory labour. These parties however deposed that they received the amount due to them, and that they had no complaint against your Petitioner.

69. A few petty merchants of Woodiagherry and other adjacent villages were sent for and forced, under pain of heavy taxation of their income, to depose, that Tahsildar (your Petitioner) had exempted them from taxation on their paying bribe to him, but they deposed that their incomes being small and not sufficient to be taxed, they have been usually exempted from the commencement of the operation of the Income-tax Act, and on no other ground, and that they paid nothing to the Tahsildar (your Petitioner).

70. The peons that waited on your Petitioner were placed in a very irksome position and forced to state from whom your Petitioner got the cows and straw that were in his house. They were ignorant of the fact, but to please Mr. Vans Agnew, they made certain forced statements to save themselves from the position they were placed in, which, however, the owners named by the peons although summoned and forced, did not corroborate by their depositions. Thus, your Grace will observe that the poor peons were neither the owners, nor the purchasers of the cows, and they were quite uninterested in the matter, and consequently there can be no cause of their voluntarily coming forward to depose against your Petitioner, unless they were subjected to some official pressure. Their depositions on the records are clear proofs of their being subjected to pressure. The Sheristadar next

caused a peon named Imam Mohideen to depose that the Head Kurnam and Munsiff of Duttalore, a large village in the Taluq, bribed your Memorialist. They were sent for and though compelled on pain of suspension and dismissal to confirm the peon's statements, they honorably declined to utter falsehood. A charge was then fabricated against them on the strength of an anonymous communication invented by the Sheristadar to the effect that they failed to pay for the supplies they received from their village Banians, and on this plea they were at once suspended and ordered to attend the trial of the case, which however was not at all enquired into, but in consequence of their refusal to criminate your Memorialist, they were subsequently dismissed from their posts on a fresh pretended charge of excess collection as mentioned in paras 12 and 13.

71. Finding that all the parties above-mentioned failed to criminate your Petitioner as quick as they were pressed to do, the Sheristadar had then framed another case. He laid hold of one Junga Kistniah, a resident of the Nandipaud, (one of the two villages where Mr. Vans Agnew halted) and a notorious vagabond who was promised a Kurnam's post as a reward for framing a case against your Petitioner. Encouraged by this promise, Kistniah charged your Petitioner with having accepted a bribe from the villagers of Cheruvupalli, a Poligar Village, and named them as witnesses for the prosecution. The case is certainly a concoction of the Sheristadar; but it is a striking fact that the villagers though they were sufficiently tutored to depose favouring Junga Kistniah, the complainant, yet being unwilling to speak against their conscience, deposed that they knew nothing and that they were instigated by him (Junga Kistniah) to give this false evidence against the Tahsildar, on the ground that it would be favourable to him (Junga Kistniah). Mr. Weir then dismissed the case with his remarks, and turned the vagabond out of his office, denouncing him to be a fraudulent man. Your Petitioner solicited to be favoured with copies of the records in these cases thus concocted, but they were refused, as your Grace will perceive from the endorsements herein enclosed Nos. 4 and 5.

72. Your Memorialist further begs to submit here that the Sheristadar exerted his great influence and powers to such an extent as to order the Bazar Banians of Woodiagherry not to supply the necessary articles of food to your Petitioner, and also to prevent your Petitioner's domestic servants from doing their respective duties. Moreover, he (the Sheristadar) along with the Wood-overseer and the Head Constable, the complainant in the first case No. 92, were often observed walking about the Petitioner's house during nights to watch who came to his house, to overhear any conversation that may take place there and to take them to Mr. Vans Agnew.

73. Thus, many were the persons summoned, placed in irksome position and orally examined, many the statements taken down, and many the charges framed and abandoned, and many the servants suspended and restored, and all without the knowledge of your Petitioner. Your Grace would have seen from the above, that notwithstanding all these endeavours, the attempts of Mr. Vans Agnew and his agents to criminate your Petitioner in these fresh cases fell to the ground. Your Petitioner begs to bring at this opportunity to the kind notice of your Grace, that the (Petitioner) apprehending terrible fears at the sight of the

prepared a resignation of his appointment, proceeded with it to Mr. Vans Agnew's tent and sent it in to Mr. Vans Agnew through a Daloyet who waited there with a prayer that Tahsildar (your Memorialist) should be permitted to come in to his presence to pay his respects. The Daloyet took the petition in, and returned and mentioned that Mr. Vans Agnew read the Petition, and directed your Petitioner to go to Mr. Weir's office-tent, and attend the trials there. Then your unfortunate Petitioner having no other alternative than to subject himself to the impending dangers with which he was ensnared, attended on Mr. Weir, with mortal fears and in a state of sickness, viz., dysentery and fever.

74. Being frustrated in criminating your Petitioner in the above cases thus concocted, Mr. Vans Agnew ordered Mr. Weir to resume his investigation in the first case No. 92, originally brought by the Police Constable. Though Mr. Weir appeared to be the Magistrate, trying the cases framed by the Sheristadar against your Petitioner under the orders of Mr. Vans Agnew, yet he was not allowed to conduct the enquiry independently of himself, as Mr. Weir, owing to his entire inexperience of Magisterial investigations, and also owing to his new entrance in the capacity, was not then authorized by your Government to write down Magisterial depositions in his own handwriting. It was therefore Mr. Vans Agnew who stayed in the same tent, constantly tutored him in what he should do in the cases and Mr. Weir, owing to his inexperience of the Revenue and Magisterial duties, to his ignorance of the vernacular (Telugu) language of the district, and to the want of Mofussil experience before he came to the Nellore district, was the more obedient and more open to the orders and influence of Mr. Vans Agnew, who had also placed his confidential Moonshee (whom he recently sent for from some district as a trustworthy man) in Mr. Weir's presence to write depositions and to explain him things and guide him, so that his proceedings can meet his designs towards your poor Memorialist's destruction.

75. Your Memorialist humbly begs to point out here for the favourable consideration of your Grace a few instances of Mr. Weir's having abided by the instructions and advices of Mr. Vans Agnew, and of his irregularities and his tendency to please his superior by criminating your Memorialist, that characterised his proceedings in the trials of the cases conducted by him. These irregularities were often brought to the notice of Mr. Weir by your Petitioner, with prayers to rectify them, but that gentleman, in bowing submission to his superior's orders was not pleased to take any the least steps in the matter.

76. These remarks of Mr. Weir are not only sufficient to confirm your Memorialist's statements, that he imbibed his impressions and opinions from Mr. Vans Agnew, and that he acted under his pressure, but also appear on their very face to be malicious and envious. He joined the district only a fortnight before he came to Woodiagherry, and was a perfect stranger to your Memorialist and the whole district. He stayed at Nellore with Mr. Vans Agnew,

In his proceedings, dated 24th September, Mr. Weir writes thus,

"The Court has learned on reliable authority, that on a former occasion when a criminal charge was under investigation against Defendant, the Defendant succeeded on plea of illness in protracting the trial over a period of some months."

Again,

"The Court has reason to believe that Defendant's plea of illness is put forward with the object of gaining time with a view to hampering with the

witnesses, an art in which the Defendant has the reputation of being an adept."

"That have recently come to the knowledge of the Court."

In his proceedings of 3rd October, he writes,

"It may here be remarked once for all, that the Defendant is not a poor man. On the contrary he belongs to one of the wealthiest native families in this district and has lakhs of rupees to fall back upon."

Again,

"The Acting Head Assistant Magistrate considers that the expediency of making the offender disgorge a portion of his ill-gotten gains is too obvious to require discussion."

And so on * * *

travelled with him to Woodiagherry in the same conveyance, stayed there in the same tent, and was always in company with Mr. Vans Agnew, and received timely instructions in what he should do to ruin your Petitioner. It is therefore evident that the "reliable authority" at Woodiagherry whom Mr. Weir alludes to, could be no other than the Collector Mr. Vans Agnew. His expressions that, "he learned on reliable authority," "the Defendant has the reputation of being an adept," "that have recently come to the knowledge of the Court," "the Defendant has lakhs of Rupees to fall back upon," "his ill-gotten gains," all these, when taken into consideration, along with the evil steps which Mr. Vans Agnew had all along pursued from the day of his arrival at Nellore, added to the disappointments he experienced in his several attempts to bring your unfortunate Petitioner to risk, cannot fail to raise the inference in every thinking mind, that those expressions were resorted to, only at the malicious suggestions and to the strong influence of Mr. Vans Agnew, who brought Mr. Weir to Woodiagherry purposely for the sake of ruining your Petitioner.

77. Your most unfortunate Memorialist humbly begs leave to submit whether it was right for Mr. Weir, who stood, as will be perceived hereinafter, in the combined position of a Prosecutor, Counsel, and Judge, to be influenced by such unjustifiable impressions as those expressed by himself, and whether the Judgment passed under their heavy weight, with all the following irregularities, will have the sanction of law, and whether it is consistent with justice, and whether it is such as an impartial and unbiassed Judge, will pass solely on the merits of the cases supposing them to be genuine, while in reality they were, only framed on the official influence and on the unbridled evidence elicited on pressure. And if the above-mentioned expressions were based on information supplied by any other individual, there could be none such, in the humble opinion of your Memorialist, who dare make such malicious reports to a gentleman quite new to the district, put with the Collector and whose words would be relied upon by him. But supposing there was some such person, your Memorialist begs humbly to ask, whether Mr. Weir, who tried the cases as Magistrate and Judge, is justified in listening to, and acting upon, such unfounded and malicious reports against the rules of Criminal Procedure.

78. First of all, your Petitioner humbly represented to Mr. Weir, that his proceedings against him (Petitioner) without previously obtaining the sanction of the higher authorities for his prosecution, in the cases in which he was accused to have committed offences in his capacity as Sub Magistrate or Tahsildar, were not right, for, neither the Head Assistant Magistrate, nor the District Magistrate was competent under the rules of Government in force to try the cases in which a public servant, not removeable from office except by Government or some controlling authority empowered by them, had been accused, without first obtaining their

sanction; and further, your Petitioner requested him very earnestly, that he would at least be pleased to hold a preliminary enquiry, to assert the truth or otherwise of the cases framed against him, without at once subjecting your Petitioner to unjust disgrace and trouble, but the gentleman owing to his inability to do anything against the will of Mr. Vans Agnew, was not pleased to take your Petitioner's reasonable representations even to his least consideration.

79. Secondly, your Petitioner humbly put in the mind of Mr. Weir, his harsh proceedings towards him (Petitioner) of his trying, the simple revenue bribery cases forged against him, under the provisions of the Penal Code, instead of his enquiring into them, under the direct enactment which governed it, viz., Regulation 9 of 1822, which is in force and use, but the gentleman not being conversant with the Revenue Regulations, was wholly subservient to the influence of Mr. Vans Agnew, whose earnest design was no other than to subject your poor Petitioner (whom he had represented to Mr. Weir as having "lakhs of Rupees to fall back upon," and "ill-gotten gains") to disgrace and heavy punishment, viz., both the imprisonment and fine provided by the Penal Code to such extent as the dangerous Magisterial powers with which he is vested, would allow him without the possibility of interference by the higher authorities to stay his hand, as Mr. Vans Agnew knows, that these severe punishments cannot be inflicted under the said Revenue Regulation 9 of 1822, which only authorises a fine of double the amount of the gratification alleged to have been paid.

80. Further, your Memorialist thought it advisable, with a view to save himself from the imminent dangers with which he was ensnared by Mr. Vans Agnew and his agents, to represent to Mr. Weir, who was quite a stranger, to your Petitioner's antecedents, the previous state of things that existed between your Petitioner and Mr. Vans Agnew, and addressed him a letter by post detailing the conspiracy that was being set on foot to ruin your Petitioner, and requesting him to take a just view of the cases. This, instead of doing him any good, only served to increase the Collector's displeasure, as Mr. Weir showed the letter to Mr. Vans Agnew, who thereupon imbibed him, with more bitter hatred against your Memorialist. Mr. Weir rebuked him in the Public Cutcherry for his writing him a letter, and said that he was informed by the Collector that your Petitioner had lately committed forgery and other grave crimes while he was Tahsildar of Rapur, that he was a resident of Cuddapah, and that he was sure to be punished in the case now pending before him. This will suffice to convince your Grace of the state of Mr. Vans Agnew's mind, and his determination to get your Petitioner punished at any rate, and of the nature of the instruction he was always giving to Mr. Weir. Your unfortunate Petitioner regrets to state that Mr. Weir did not even think of ascertaining the truth, or otherwise of the statements contained in your Petitioner's letter, or deem it necessary to record the letter itself, but simply in his proceedings he was pleased to style it as a series of mis-statements and misrepresentations as shown in the margin. The Petition contained a faithful account of his case, but it appeared to consist of mis-statements to a gentleman such as Mr. Weir, who though he appeared as the trying Magistrate, was yet nothing but an instrument in the hands of Mr. Vans Agnew, and

"During the course of the Proceedings, the Defendant puts in a Petition containing a series of mis-statements and misrepresentations. The Acting Head Assistant Magistrate does not deem it necessary to notice."

could not help but styling them a series of mistatements and misrepresentations to please his superior, Mr. Vans Agnew, at the sacrifice of all justice Mr. Weir evidently found out that if he failed to tune his harp as to criminate your petitioner and thus please him, his position in the District would be rendered very unpleasant and therefore disregarded the stings of his Conscience and wilfully resorted to various following unfair means in Criminating your memorialist.

81. His proceedings bear the mark of irregularity on their very face for, Mr. Wier was not a professional member of the Medical branch to pass his opinion so quickly on the subject and further as to his expression that "he had reasons, to believe that defendant's plea of illness is unfounded &c.," petitioner leaves it to your Grace to judge that who could have been the source of such mistakable information but his declaration that "he had learned on reliable authority the Defendant succeeded on the plea of illness &c" that made on the following day the 24th September, clearly shows that Mr. Vans Agnew has infused Mr. Weir's mind all his prejudices. Your petitioner humbly begs to submit here that he had been really suffering from an attack of dysentery and fever as known to several persons from the 12th September, about 7 days before Mr. Vans Agnew and Mr. Weir came to Woodiaghery, which fact was represented to them on the very day of their arrival the 19th idem and informed of the same subsequently to Mr. Weir, on Saturday the 21st and on Monday the 23rd the days of the trial, that he was very much enfeebled and was unable to attend the trial, and he even produced as Mr. Weir acknowledges in his proceedings marginally noted, the certificate of the Mahomedan doctor attached to the late Jaghir estate of Woodiagiri under whose treatment your petitioner was, where any European Medical Officer's Certificate could not be got at such an out of way station like Woodiagiri. Your unfortunate petitioner is constrained to ask how it was possible and what induced Mr. Weir to pronounce in the face of all these proofs that "the Defendants' plea of illness is unfounded" and that "he cannot attach any weight to the certificate" without ascertaining the fact at all. Your petitioner from the increasing state of dysentery, being unable to move from his bed was again compelled to bring the fact to the notice of that Gentleman by an arzee with earnest prayers, as shewn in the margin, that the enquiry might be stayed for 4 or 5 days in order to enable your petitioner to send for a pleader from Nellore which was 70 miles distant, as he was quite unable to conduct the case himself, that the Zillah Surgeon might be sent for to Woodiagiri for giving medical aid, or that your petitioner should be sent to Nellore to undergo the Surgeon's treatment and lastly to transfer the investigation to the Head Quarters at Nellore, where he could have both medical and legal advice, thus not causing any the least obstruction to the progress of the trial of the cases, Your Grace will perceive that no pub-

In his proceedings dated 23rd September Mr. Weir writes thus "Read arzee from the defendant stating that he is suffering from dysentery &c., and that he is consequently unable to appear in Court and praying that the case may be adjourned for 4 or 5 days. The Court having reason to believe that defendants' plea of illness is unfounded and is put forward with a view of delaying the progress of the trial and defeating if possible the ends of justice."

Read arzi from the defendant stating * * * * and praying that the hearing of the case may be adjourned for 5 or 6 days for the purpose of enabling him to summon a pleader from Nellore and that as regards his illness to be either sent to Nellore for treatment by the Civil Surgeon or that the Civil Surgeon be sent for to attend upon him."

The Defendant puts in a Certificate of illness purporting to be signed by a native village Doctor. The Court receives the document and informs the Defendant that he cannot attach any weight to it."

lic good was likely to be defeated by the delay of a few days caused by complying with your petitioner's request or by the transfer of investigation to Nellore, the head Quarters of both the Collector and the Head Assistant Magistrates. But to the great misfortune of your petitioner Mr. Weir having taken the petition to Mr. Vans Agnew, no pity or justice was shown to the earnest and reasonable prayers of your petitioner as shown in the margin, for, Mr. Vans Agnew knew full well from his experience that he could not succeed in his attempts to ruin your petitioner by fair and just means; it was therefore evidently to give your petitioner no time or reasonable opportunity but to crush him at once in the sick and disabled state and in the absence of medical and legal aids. And Mr. Weir accordingly proceeded on with the trial. To illustrate the harsh and tyrannical oppression that was pursued by Mr. Weir, a magisterial warrant, to arrest the person of your petitioner at once and bring him to his Court, was issued and to the greatest regret of your petitioner it was handed over to the very Constable who was the Complainant for serving (as shown in the margin) who glorying in the success he had in his undertaking entered your petitioner's house and arrested him very ignominously and carried him to Mr. Weir's tent. There he was laid half dead on the floor being unable to sit upon chair. Mr. Weir perceiving with his own eyes the disabled and sick condition of your petitioner, took a bail of a large sum of Rs. 5000, and allowed your petitioner to go home that day without any enquiry being made in the case. But your petitioner regrets to bring to the notice of your Grace what should have induced Mr. Weir to consider subsequently, that petitioner's real state of sickness was a mere excuse to delay proceedings and notwithstanding petitioner's frequent prayers that his proceedings might be stayed only for 3 or 4 days in order to enable him to send for a pleader from Nellore, and what should have induced him to hurry onward with the trial at the sacrifice of all justice and pity, giving no time to petitioner to cross-examine or make a defence whatever your Grace can better judge.

It is surprising what induced Mr. Weir to believe the simple statement of the 2nd witness regarding the state of his bad health and allow him to go to his village thus not giving petitioner an opportunity of cross-examining the witness though requested, on a point concerning which the highest evidence your petitioner could then produce, was insufficient to generate conviction. Thus your Grace will perceive that, were it not for the pressure of his superior, petitioner would not have been subjected to every such inconvenience and trouble as detailed above.

82. Your petitioner avails himself of this opportunity to bring to the kind notice of your Grace that he at the time of the conducting of the enquiry complained of his illness to Dr. Lloyd, the Zillah Surgeon and requested him to come and examine the state of your petitioner's illness at Woodiagery, but that gentleman was not able to do so, owing to some cause, your petitioner was not then aware of. But however, when your petitioner was taken to the jail on the 8th october, Dr. Lloy'd the Zillah Surgeon examined and found him suffering from an attack of dysentery and fever &c., and kept him under his treatment for a month and a half. All these were fully detailed in his Office diary, a convenient reference to which, will better

"It is no part of the business of the Court to procure such assistance. The Court accordingly orders the hearing of the case to proceed on."

"The Court issues a warrant to Veeraraghavooloo, Police station officer of Woodiagiri authorizing him to produce the Defendant in Court."

Mr. Weir in his proceedings states thus "The 2nd witness being in a bad state of health was at his special request allowed to proceed to his village."

explain the facts of your petitioner's illness : and further Dr. Lloyd's statements before the Session's Court when sent for by the Court itself, as marginally mentioned, will suffice to confirm your petition's plea of illness made about 26 days before Dr. Lloyd had opportunity of examining him. While so, how far Mr. Weir was justified in pronouncing the defendant's plea of illness was unfounded and his not attaching any weight to the Mahomedan doctor's certificate, and also to his own personal observation in his Court, when petitioner was produced in obedience to his magisterial warrant, petitioner leaves it to your Gracious Government to consider.

"On the 8th October, I received Venuganti Narayana Row into jail. He seemed to be suffering from nervous depression. He was in a low state of mind and body. There was a low state of fever about him. He complained of peculiar pain in his stomach. He also said he had been suffering for many weeks from dysentery. I received two letters from the prisoner from Woodiagery with fee enclosed." * * * *

83. Your petitioner here begs to point out to your Grace a few instances of Mr. Weir's peculiar tendency to criminate your petitioner with no other object than to please his superior, viz., In all the cases he tried, he, at first summoned numberless witnesses, orally examined them, retained only those whose evidence favoured the prosecution and rejected all the rest whose statements were favorable to your petitioner. A reference to the summons register will prove the same. And further if any one of them, that were so admitted, ever said anything favorable to your petitioner he accounted for such aberration by furnishing some excuse or other remarks E. G., that deponents were dishonest, unreliable, and were summoned by mistake in lieu of another and so on, and on the other hand he praised those deponents, whose evidence was favorable to the prosecution, by declaring them to be honest, respectable, and independent &ca., so that the prosecution could be strengthened. This your Grace will perceive from the following.

In his proceedings Mr. Weir remarks regarding the 3rd witness, of prosecution in case No. 92 thus. "This witness gave the acting Head Assistant Magistrate the impression of not speaking the truth in what he did say and of withholding evidence of nearly everything that he knew and the Acting Head Assistant Magistrate recorded a note to this effect."

This witness was the head Revenue Inspector. He belongs to a respectable family and was a long standing servant. He was the first person with whom Mr. Weir began the enquiry at Woodiagiri and it is surprising what made the Head Assistant Magistrate think that he was not speaking the truth without even holding a preliminary enquiry, and as a penalty for that, he was first suspended eventually dismissed.—

"Do. Do. regarding the 4th witness of Do.—

This witness gave his evidence in a straight forward manner and being a man of respectability and of independent position the Acting Head Assistant Magistrate considers his testimony of great importance.

This witness was the Taluq Sheristadar and is the sole concoctor of these false charges against your petitioner and a tool in the hands of Mr. Vans Agnew to prepare charges and suborn witnesses.

In a case tried by Mr. McCarthy, this witness was characterized by that Gentleman to have been the author of the charge, on the contrary Mr. Weir speaks of him in such laudable terms, contrasting this with the remarks made regarding the 3rd witness the Head Revenue Inspector, it cannot fail to strike every thinking mind that Mr. Weir, who was quite new to the District and to both these witnesses was

persuaded by Mr. Vans Agnew to pass such remarks as to support the charges by striking terror into the minds of those who failed to criminate your petitioner and encouraging those who could accuse him.

Regarding the 5th witness of prosecution in case No. 98, he states thus,

"This witness gave no evidence of importance and was apparently summoned by a mistake for some one else."

The very remark of Mr. Weir shows evidently that he had no inclination at all to accept such evidence as was favorable to the accused, for instance, he summoned this witness along with others as cited by the prosecution and subjected him to undergo the test of oral enquiry as well as others, and then put him in the witness box, but when he found the witness depose quite against the prosecution, so that it might be proved false in spite of all his leading questions, he naively remarks that "his evidence was of no importance." This witness is one of the independent ryots of whom he states in his same proceedings that "There is evidence of independent ryots," and why his evidence was not to be regarded as trustworthy your Grace can better judge.

In the same case Mr. Weir remarks for the defence side witnesses thus,

"On the other side we have only the evidence of defendant's hired servants, not the most independent kind of testimony, that first witness of prosecution had never been at defendant's house."

Your Memorialist humbly asks your Grace whom else would Mr. Weir have ? Could your petitioner summon outsiders to prove that the first witness had never come to his house when the false statement of the 1st witness alone is relied upon. What other means would your petitioner have in the irksome position he was put in, to disprove the charge evidently concocted ? Mr. Weir might have expressed this his objection before putting these witnesses to trial as he was previously informed that they were the servants of defendant. It will be seen from the deposition of these witnesses that Mr. Weir went out of his way to bother them a long time in respect of matters having no connection at all with the question in hand, and finding that they were firm in their first statements he was eventually pleased to make the above remark.

"Considering that 1st witness was Karnam and therefore a person likely to have official relations with the defendant, this statement (of the defendant's witnesses) is not easily credited and the Acting Head Asisstant Magistrate does not credit it."

In the same case, again Mr. Weir by styling the 1st witness a Karnam, as shewn in the margin, he makes it appear that his evidence is trustworthy while in reality, he was not then a Karnam, but dismissed long ago, and prefers his evidence to that of defendant's witnesses who cannot have failed to see the 1st witness if he had ever paid a visit to the defendant at his house.

Another instance of Mr. Weir's peculiar tendency to give credit to false and contradicting evidence is exhibited in his proceedings marginally noted.

"The point calling no notice is the statement of witness in his examination-in-chief that one Rama Naidoo came to Woodiagiri ; in the re-examination by the Defendant, he explains that Rama Naidoo set out with them to come to Woodiagiri carrying the money, but that after he had gone a certain distance he handed over the money to witness and turned off to a village to see his cattle. This appears to the Acting Head Assistant Magistrate to be reliable and satisfactory explanation."

Here your Grace will perceive that Mr. Weir was very ready to believe this witness, notwithstanding that the evidence first given is flatly contradicted by himself during the course of the cross-examination made after an interval of 4 days, and thus the whole evidence is reduced to nothing. From the commencement of his evidence, one would perceive, if viewed in an impartial light, that this

witness spoke everything false as tutored by the Sheristadar. One particular instance out of the many falsehoods he dared to utter is, that he said that one Rama Naidoo who is Head Ryot of their village followed him to Woodiagiri with the money of gratification in his hands to petitioner's house. This mention of Rama Naidoo as a witness at first, is only to support his own false statement, for, Rama Naidoo being a respectable man Mr. Weir thought that if he corroborated the statement of this 3rd witness, a statement if proved, would go a great way to establish the payment of the alleged bribe, he could convict petitioner easily. And when petitioner requested Mr. Weir to summon this Rama Naidoo, he, (Mr. Weir) learning from the Sheristadar that that witness was not one who would easily enter in his plot and was a man of a respectable character, and would not utter falsehood, declined to summon him. Buthowever when petitioner's request for summoning this Rama Naidoo was refused, he elicited from this perjurer during cross-examination the statement that, *Rama Naidoo never came to Woodiagiri to Petitioner's house, but he came some distance and then gave the money to his hands and went away in some other direction.* Though such was the gross contradictory statements of this perjurer in this matter of great importance, yet it is surprising and is evident to every thinking mind what the motives of Mr. Weir should have been when he naively styles the 2nd statement of the perjurer which is virtually contradictory to his first statement deposed on oath, "to be reliable and satisfactory explanation" without adducing at least even the semblance of a reasonable cause for such opinion, notwithstanding his second statement was quite false in itself. When the witness contradicted his first statement in the course of cross-examination held 4 days after, Mr. Weir, had he been an impartial judge, would not have refused to comply with your petitioner's reasonable request of sending for Rama Naidoo to ascertain at least to satisfy himself which of the two statements was correct or whether the two statements made by him on the two occasions were both incorrect. These instances of the Head Assistant Magistrate's belief of untrue contradictory evidence must serve to show to your Grace in the very strongest light, how Mr. Weir's tendency was, to crush your petitioner even at the risk of setting the law and evidence as to this particular point of payment of money at defiance, to please his superior.

Further your petitioner begs to bring to your Grace's notice, Mr. Wier's anxiety to implicate your petitioner at any rate to please Mr. Vans Agnew, by citing the following instance. That whereas the same false witness deposed that an appeal petition against the decision of your petitioner regarding pasture presented to the late Head Assistant Collector, Mr. McCarthy, was handed to the petitioner at the Jamabandy Kutcherry in the presence of the Gentleman, Mr. Weir interprets the statement in his summary of evidence so as to insinuate that the petition was long ago delivered to the hands of petitioner and that it was kept by him for some length of time till the Jamabandy season came round and procured a reduction in the rent amount as shown in the margin: Your Grace cannot but see that this is a very unnatural inference from the witness's deposition, as the substance of it is simply to the effect that the Tahsildar, your petitioner who was present at the Jamabandy, as in duty bound, simply passed it on from the petitioners to the late Head Assistant

"The villagers instead of sending it direct to the settling officer, they handed it over to the defendant. The defendant took charge of the arzi and when the Jamabandy time came round, the matter was represented by the defendant to the settling officer in that Gentleman's tent and the Villagers were informed that the rent has been reduced to Rs. 70."

Again as another instance of Mr. Wier's tendency and predetermination to criminate your petitioner at all events, your petitioner begs to bring to your Grace's benign notice the remarks of the Acting Head Assistant Magistrate quoted in the margin.

Case No. 99.

Proceedings dated 3rd October 1872. "Witness No. 3 gave a sum of money to No. 4 (presumably because he was the only Brahmin of the party)."

Two things are worthy of notice here; 1st that witness No. 4 was not the only Brahmin; witness No. 5 being also a brahmin and the principal Kurnam and renter of the pasture and 2ndly this is clearly his own inference, an inference come to, of his own accord without any external evidence on the matter. Your petitioner begs to ask how Mr. Weir is justified in presuming a state of things which is adverse to the interests of the defendant while a short enquiry would have convinced him that there was another brahmin who might have been entrusted with more confidence in the same work of transmitting the money and which would have wholly upset the case. This is not the only instance in which Mr. Weir jumps at a conclusion hastily and shuts himself from other evidence which if gone into or admitted would have created a different opinion in his mind.

As the last instance of Mr. Weir's tendency, your petitioner most humbly begs to state that, as shown in the margin, in his proceedings in case No. 101 Mr. Weir declines to send for the witness K. Subba Row who was the sole person cited by the prosecution as the only witness, on the ground that he was not disposed to credit his statements owing to the imaginary relationship subsisting between him and defendant; while in reality there existed neither any relationship nor any connectionbetween them, and what is strange, he allowed the Sheristadar to substitute one Junga Kristniah in the place of Subba Row when no mention had been made of him by the 1st and 2nd witnesses of the case who were already tried. This Junga Kristniah was already denounced by Mr. Weir to be a false complainant and a fraudulent man as mentioned in para 71, and this was the sole witness on whose tutored false evidence your petitioner was convicted against the dictates of his conscience.

"Even supposing that K. Subbarow gave the most favorable evidence on defendant's behalf, the court could not, considering the relationship subsisting between him and defendant, that have recently come to the knowledge of the Court, place any reliance whatever in his evidence."

84. Your petitioner after citing the above few out of the many cases illustrating Mr. Weir's tendency to put down and discredit all evidence favorable to defendant, begs to add here that this was not the only instance wherein the gentleman (Mr. Weir) refused to send for the witnesses when he had a forewarning that their statements would be favorable to petitioner, but also refused in spite of your petitioner's repeated prayers to send for, a few other respectable and trustworthy witnesses who were voluntarily cited by the prosecution itself, as he subsequently learnt, which he himself confesses in the foregoing remark "that have recently come to the knowledge of the Court," that their evidence would be favorable to defendant. And on the other hand he had not only summoned and examined those persons who were not at first cited as witnesses by the prosecution, but were only mentioned subsequently, whether in the middle of the enquiry, or at the end of it, if he came to know that they would criminate your petitioner, but he had also, enlarged the slightest evidence that could show any the least implication

against your petitioner to the highest degree. A kind perusal of the records will convince your Grace of this, as of several other instances of his desire to criminate your poor memorialist merely to satisfy his superior.

85. Your petitioner begs leave to bring to your Grace's kind notice at this opportunity, a few of his irregularities that characterised his proceedings in the trials of the cases. All the witnesses on the prosecution side connected in the three additional cases were allowed to return to their villages before the investigation was completed or the findings of the court were pronounced and what is surprising, this was not with the permission of Mr. Weir, but with that of the Sheristadar in whose charge they were placed as mentioned in para 65, by whose force it was that they gave evidence in the cases and by whom they were now sent away through fear of their being unable to stand the test of cross-examination. And when your petitioner requested the Acting Head Assistant Magistrate, to recall those witnesses, he declined to do so. From the very sense of his remark marginally noted your Grace can, not only perceive that the witnesses have returned to their village without the knowledge of the Head Assistant Magistrate, but also observe the extreme injustice and hardship of such a proceeding which has deprived your petitioner of an undoubted right which the law gives to even the direst criminals, and for which so many express provisions are made. And your petitioner here begs to point out in connection with this, that what induced the Sheristadar to send away the witnesses, was that when, on a certain day, your petitioner felt a little easy and was able to cross-examine a few of the witnesses of the case No. 99 that were then present, the case completely broke drwn as the concoction was brought to light by your petitioner's questions as the Head Assistant Magistate himself, with all his tendency to please Mr. Vans Agnew, reluctantly admits as noted in the margin, and it was upon this remark of Mr. Weir's, pronounced in court before he reduced it to writing that the Sheristadar who was eagerly attending the trials, heard of this and was afraid of the other two cases breaking down, if your petitioner were allowed to cross-examine them, sent them away at once without the knowledge or, permission of the Head Assistant Magistrate, so that the evidence given already by them on his tuition, for the prosecution of the other two cases might stand untouched and in its full force, favorable to that side. Again with reference to the same remark of Mr. Weir, your petitioner begs to ask what validity could be attached to the substance of that case while it has been pronounced by him that " this case was not so strong as the two others," and further your Grace cannot but perceive the gross injustice and irregularity in sentencing your petitioner to the same punishment in this case, while the magnitude of the offence has been acknowledged to have been less than in the two other case. which were not at all shaken by petitioner's cross-examination.

In his proceedings dated 1st October, Mr. Weir writes thus. " The Acting Head Assistant Magistrate informs defendant that if the witnesses are present the court will not object to his re-examining them. It is discovered that the witnesses are not present, they having returned to their village after giving their evidence."

" The case was perhaps not quite so strong and clear a one as the other two cases Nos. 98 and 101."

86. Further when Mr. Weir at the conclusion of the investigation of the 1st case N. 92 directed your petitioner to proceed with his defence, your petitioner mentioned to him that he was unable to make his defence, without having copies of the depositions

of the prosecution witnesses, Mr. Weir was then pleased to direct his moonshee to furnish your petitioner with copies of those depositions. But the moonshee being the confidential tool of Mr. Vans Agnew gave your petitioner copies of the depositions of only a few of the witnesses and that too, unattested by Mr. Weir but written in the handwriting of the moonshee and his assistant (they are herein enclosed being Nos. 6 and 7) which fact proves that they were given only with the permission of Mr. Weir, your petitioner complained of this to Mr. Weir who told him that he would be furnished with the rest in due course and when your petitioner now and again requested Mr. Weir to give him copies of the depositions of the witnesses in the other cases also he was pleased to state that they would be given after the enquiry of all the cases was concluded. Your petitioner felt therefore confident that he would be furnished with them in due time not only to see what cases were made against him and how he stood but to see what defence he could make. But to his great surprise on the 2nd October, Mr. Weir directed your petitioner to proceed with his defence. Then again your petitioner urged his inability to do so owing to his not having been supplied with copies, whereupon Mr. Weir passed the order noted in the margin that a written application should be made to that effect. Here your petitioner begs to represent that this written application he would have submitted had not Mr. Weir at first consented to favor him with copies and ordered his moonshee to furnish them. But however your petitioner on the 2nd October the very day of his order submitted the application in writing together with the additional stamp papers. But Mr. Weir told your petitioner that the application for the copies would be duly attended to but that your petitioner must now proceed to make his defence as shown in the margin. Here your petitioner humbly begs to explain that Mr. Weir's expression " at last" proves that he had often requested him for the same, and also begs to ask your Grace what defence he could make or how could he conduct the cross-examination if he had no knowledge whatever of what the witnesses had deposed while petitioner was crushed in heart and mind and in a state of bodily prostration and unaided by counsel and further what would be the use of the copies if given after the defence is made. But when your petitioner humbly represented these difficulties to Mr. Weir and requested him to favor the petitioner with the copies, he was pleased to interpret this as a design to create unnecessary delay, which even if true, your petitioner can gain nothing by as he must sooner or later make his defence notwithstanding that he was placed in such a helpless condition and further the defence made after a little delay could not by any possibility prejudicially affect the case for, the whole of the trial of the several cases was over as all the witnesses without being cross-examined and without the knowledge of Mr. Weir were allowed to run away as mentioned in para 85 and what remained to be done was merely to conduct his defence. Your Grace could see that no ends of justice could really be defeated by the delay of only one single day which was required to furnish your petitioner with copies of the depositions and that Mr. Weir's declining

In his proceedings dated 2nd October 1873 states thus,

" The acting Head Assistant Magistrate informs defendant that he will be furnished with copies in due course on his making a proper application on stamp paper."

In his proceedings dated 3rd October he states,

" His application for copies, having at last been put in a written form and properly stamped will be duly attended to but that he (defendant) must now proceed to make his defence if he have any to make."

to allow is a proceeding that strikes at the very root of justice and proves his arbitrary will and motives.

87. Thus your petitioner had not the privilege of either conducting the cross-examination as mentioned in para (85) or making his defence eitr personally in his prostrated state or aided by a Counsel a privilege which the law even in it's rudest state acknowledges to the accused. Ignoring this too common and simple privilege Mr. Weir converts your petitioner's reasonable representation and request into a refusal and goes on to pass his sentence in all the four cases simultaneously in a very summary manner on the very same day viz., 3rd October on which day he had the pleasure of expressing that "his application for copies will be duly attended to." Even then your petitioner begged him very earnestly that though he was not so kind as to favor your petitioner with copies of the depositions he requested for, yet he would only be pleased to grant him at least one single day's time to present his written defences for all the four cases, for your petitioner was not able in his sick state to prepare them sooner than within that period but to the great misfortune of your petitioner the gentleman had not the liberty of passing his own discretionary orders on the humble request so earnestly made by your petitioner owing to the pressure of his superior and passed the remark mentioned in the margin contrary to law and justice. His remark "defendant again declined," itself expresses how earnestly your petitioner might have requested him for granting a single day's time for presenting his written defences respectively.

"The defendant having agin declined to make a defence the Acting Head Assistant Magistrate informs him that the trial is concluded and that the court has come to the conclusion that Defendant is guilty of the offence with which he has been charged."

88. Thus your Grace could see that Mr. Weir had not only failed to conform to his first verbal order but also failed to carry out his subsequent written orders for granting copies of the depositions in obedience to the sanction of the law and further he was not even pleased to comply with the petitioner's last request to grant him one single day's time for his presenting written defences for the four cases. The most surprising and extra-ordinary fact in this particular connection is that Mr. Weir after having pronounced his above order for his duly attending to the request of petitioner for granting copies on the morning of the 3rd October he was called on by Mr. Vans Agnew and having had a conversation with him returned and observed that petitioner's request for copies was only to create delay and he immediately called the first witness of the case No. 98 again and bothered him some time with leading questions to the effect that he should assert some palpable cause for the payment of the gratification he had alluded to, but the witness was not able to give any other reason than his previous one that he paid the same for no cause whatever which your Grace can find out from the latter part of his deposition made on that 3rd day of October and soon afterwards Mr. Weir passed his decisions in the four cases simultaneously appearing as if he were still going on with the enquiry of the cases.

Here your petitioner begs to leave the matters to your Gracious consideration with all the above facts what might have been the cause of Mr. Weir's changing all of a sudden his first policy, a policy which was assumed only a few minutes ago for duly attending to the request of petitioner in favoring the copies of the

depositions, 2ndly not allowing even one single day's time to petitioner for his preparing his written defences, and thirdly his passing the decisions simultaneously for all the four cases unexpectedly in the progress of the investigation of the cases.

89. Your petitioner is afraid of intruding upon your Grace's valuable time by soliciting your Grace's kind attention to all the instances of irregularities and legal defects that characterized these trials, but he cannot rest himself satisfied without soliciting attention to a few more irregularities which evidently appear to be the snares laid down for your petitioner's ruin which were as follows.

Your petitioner begs to bring to the kind notice of your Grace at this opportunity the great embarassment felt by Mr. Weir who nominally conducted the trials of these forged cases as acknowledged by himself as shown in the margin but your petitioner begs to state that if such was the embarassment felt by the Acting Head Assistant Magistrate and if he were fully conscious as may be inferred of the fact that the case was one wholly unprovided for by rules what easier and more decent and proper course was there before the accuser and the judge than to commit the accused to take his trial before the Sessions Court; for if such a course had been pursued it could not only have relieved him from the painful embarassment which he says he had felt but also Petitioner's mind would have been a little freed from the oppressive weight of a sudden accumulation of portentous dangers and where he would have ample time to prepare for his defence to rally the energies of mind and body under proper medical aid and to select from the local bar or from Counsel at Madras a professional man of experience to free him from the meshes that a powerful hand had woven around him and to conduct his defence in the manner in which his position and the charges brought against him demanded. But he had not done so, as this just course did not suit Mr. Vans Agnew for he knows full well that Mr. Best the then Session Judge who was a very just impartial and a quite independent gentleman would not yield to his unjust requisitions and consequently your Petitioner might escape the punishments which he hoped to award him; it was his object that your Petitioner must be crushed at once and effectually to the full extent of his dangerous magisterial powers without the least interference of the Session Judge Mr. Best or any other higher authority and that too, without allowing your Petitioner any reasonable time or facility to conduct his defence of the false charges brought against him.

"The circumstances of the case were so peculiar and the contingency was one so entirely unprovided for by the rules that the Acting Head Assistant Magistrate whilst assuming the responsibility of proceeding with the trial thought it desirable to record all the circumstances as they occurred in the form of special proceedings to accompany this calendar."

And further in reference to the expression of Mr. Weir "To record all the circumstances as they occurred in the special proceedings" your Petitioner begs to point out that he restricted this course to those matters favourable to the prosecution alone but did not extend it to the facts favourable to defence side also, for example, not to tire your Grace's patience on several of these, he submits this one fact of Mr. Weir's allowing the Sherishtadar to substitute a false third party witness J. Kistniah in lieu of the real third party K. Suba Row as mentioned above and the act of Mr. Weir's admitting him as substantial third party notwithstanding Mr. Weir had already denounced this very J. Kristniah as false complainant as mentioned in para 71.

90. Your unfortunate petitioner avails himself of this opportunity to bring to the favorable notice of your Grace another irregularity on the part of Mr Weir namely that he in learning from Mr. Vans Agnew as stated above that "your petitioner has many lacs of Rupees to fall back upon" was of a determination to sqeeze them out as he himself acknowledged in his remarks, "The Acting Head Assistant Magistrate considers that the expediency of making the offender disgorge a portion of his ill gotten gains is too obvious" and to the satisfaction of Mr. Vans Agnew he converted under his orders the Revenue Bribery cases into criminal charges and investigated them under the Sections of the Penal Code and awarded to your unfortunate petitioner both the heavy punishments with fine to double the extent which his powers allowed him to impose as Rupees 2,000 which your Grace will perceive amounts to twelve times the sum of Rupees 167-8-0 alleged to have been paid as remuneration whereas the Revenue Regulation 9 of 22 applicable to such cases authorizes only double the amount and besides such a heavy penalty, he visited your petitioner with simple imprisonment to almost the full extent of his dangerous Magisterial powers viz. of 21 months.

It is surprising that Mr. Vans Agnew was not at all satisfied with these high penalties but felt much in consideration of his own presumption that petitioner has "many lacs of Rupees to fall back upon" as he was not authorized by law to impose on your petitioner a larger amount than Rupees 2,000 and on the other hand as he was afraid of petitioner's going unpunished in the event of his being committed to the sessions in consideration of the falsity of the cases, he consulted with Mr. Weir but that gentleman being unable to do anything more than what he had already done goes to the extent of regretting the restrictions of law which prevented him from imposing a higher sum than that he did impose as expressed by him in the margin. It is clear from these remarks and also the foregoing ones that Mr. Wier any how was of opinion that your petitioner's offences were grave ones, that petitioner had "many lacs of Rupees to fall back upon" and that he really regretted for his inability under the restrictions of law to impose a larger amount of fine than double the extent of his Magisterial powers viz. Rupees 2,000; in such a case he should have committed the case to the Sessions, so that a larger amount of fine might be imposed and thus a punishment adequate to the guilt and proportionate to the position of the accused might be inflicted.

"The Acting Head Assistant Magistrate, therefore regrets that the restrictions of the law prevent him from imposing a larger amount of fine than that actually inflicted in charges such as those preferred against the defendant."

Your petitioner humbly begs to ask why Mr. Wier did not adopt that easy course in such a case as this where everything was conveniently fitted at a loss to the rights of Government and at the defeat of the ends of justice and he begs to leave it to your grace to judge what may be the motives of either the nominal magistrate Mr. Weir or of the actual Magistrate Mr. Vans Agnew that induced them to refrain from pursuing the very common course which the law distinctly allows. From all this your petitioner is compelled to explain to your grace in his humble opinion it is evident that Mr. Weir took these impressions from Mr. Vans Agnew and was determined to crush your petitioner at any rate with his sole extreme powers and not to hand him over to any other authority for fear of his establishing his innocence and going unpunished. Thus your Grace can not fail to observe the injustice of every

one of his proceeding and his evident tendency to have your petitioner punished with his extreme full powers and that too, without giving him any facility to prove his innocence.

91. The Acting Head Assistant Magistrate in the first case No. 92 after the enquiry of prosecution witnesses was concluded, prepared the charge and read out and took a list of the defence witnesses who attended the court, he again on the next day tried a witness on the prosecution side numbered as the 9.

This proceeding of the Acting Head Assistant Magistrate is quite in contravention to the rules of Criminal Procedure, and this fact becomes still more apparent when it is noticed that this last witness was not one freshly cited, but was the same person that was originally summoned along with the rest of the witnesses cited by the constable who attended the trial and was subjected to the verbal enquiry but was along with some others rejected, as he declined to depose in a manner that was favorable to the prosecution. But as he was a Gumasta of the Taluq Kutcherry he was intimidated with a threat of suspension and brought by the Sheristadar to the trial at this late stage when the charge had been read out and the defence side witnesses were waiting for enquiry.

92. The Acting Head Assistant Magistrate, did not think it necessary to assert whether the corrections, which the constable alludes to as a proof of the implication made by him, were the handwriting of your petitioner or not.

In Magisterial trials in accordance with the rules, it is highly necessary that the handwriting of the accused presented as evidence to prove an implication should in the first place be proved by eye-witnesses who were present and had seen when writing or at least be identified by those persons who were well-acquainted with the handwriting of the accused. Mr. Weir never made his enquiry on this point.

93. All the first witnesses and in some instances the 2nd witnesses also of the cases were examined by Mr. Weir privately and in the absence of your memorialist with a view that the parties may be encouraged and thereby make statements freely which could criminate your petitioner and also to bind them over to what they should subsequently state in the cross-examination. The enquiry of the cases was not conducted regularly as one or two witnesses in any one case who were tutored were examined on that day while others who were not yet subjected to this test postponed for another day. During these intervals another case was enquired into, and all the witnesses in all the cases that were tried and those that were still pending trial were allowed to remain in the same spot so that they might talk together and make known the statements of what they deposed to each other. The defence witnesses were not investigated on the same day on which they were produced but kept off for another day's enquiry so that the Sheristadar may have an opportunity to tamper them if possible. The provisions of the Procedure Code plainly state that enquiries conducted in this way will not have the sanction of law either moral or judicial. By a reference to the Proceedings of Mr. Weir your impartial Grace will find abundant proofs to show that he failed to conform to the requisitions of law and that he acted entirely under Mr. Vans Agnew's pressure.

94. Thus your Grace can perceive from the above that your petitioner's plea of illness was not ascertained to be true or false, that he was not allowed time to get European Medical aid or to send for a legal adviser from Nellore, that he was

not even himself allowed to cross-examine the witnesses, that he was not favored with Copies of the depositions of the prosecution witnesses, that his reasonable requests to send for witnesses cited by prosecution to prove his innocence were refused, that his defence was not taken in any one of the cases and that thus, he has not had a fair and full trial. Your unfortunate memorialist begs to assure your Grace that a mere perusal of the records of the proceedings of the Acting Head Assistant Magistrate will convince your Grace of all these facts and that Mr. Weir. resorted to every step to make the one sided statements of the tutored witnesses for the prosecution appear strong, by his occasional comments, and that he pursued such a course solely upon the pressure of Mr. Vans Agnew.

95. Your petitioner cannot but, with great regret attribute all these calamities to the evil hand of the Sheristadar, who in hopes created by Mr. Vans Agnew to get the appointment of your memorialist and knowing the bitter displeasure with which Mr. Vans Agnew viewed him, surrendered himself readily as the tool of Mr. Vans Agnew, and plied all his ingenuity in framing these false charges with absolute powers to destroy your petitioner and thereby creep into his favors, and he was accordingly made Tahsildar of the same Taluq in the place of your unfortunate petitioner. Your Grace will see that he was brought from Nellore on his offering himself as a witness in the 1st case No. 92, and was detained at Oodiagerry during the whole period of Mr. Vans Agnew's stay there, which extended over a fortnight, even although his deposition in the case was taken on the very first day of Mr. Vans Agnew's arrival there. The only reason for this must have been, as your Grace will observe that his services in the formation and conduct of the cases were indispensably required to select witnesses and tutor those who were called as witnesses and those that were under the direct Kutcherry influence and to make them to say every thing against your helpless petitioner.

96. When, as proved in the preceding Paragraphs, such strong hands as the Collector of the District and his favorite the Sheristadar were engaged in framing charges and procuring evidence forcibly by threats of suspensions dismissals and subjecting to Magisterial trials, against your petitioner who had already been removed from his position and put into every irksome state, your Grace will admit that it is a difficult, nay almost impossible task for your helpless petitioner to disprove them, although they were themselves false. But he will however try his best in the few following Paragraphs to convince your Grace of the falsity of the charges and his thorough innocence, by pointing out several inconsistencies in the evidence, viewed as a whole an ordinary characteristic of all untrue evidence, by proving the falsehood of individual statements and by bringing to light the extreme illegal pressure that attended the fabrication and the utterance of the evidence.

97. In taking up the 1st case No. 92, petitioner, before proceeding to deal with the merits of the evidence, begs permission to request your Grace to refer to one particular act of the Acting Head Assistant Magistrate, as regards his having conducted the examination-in-chief of the 1st and 2nd witnesses of the Prosecution in the absence of your petitioner. This does not fulfil the requisition of the law which demands that the witness shall make his statement in the presence of the accused. Section 194 of the Code of Criminal Proceedure, 3rd edition, Page 108, commented by Mr. Princep states as follows :—

"The examination of witnesses shall invariably be conducted in the presence

of the accused person. To read the deposition of witness on some former trial to the witness is not examination of the witness in the presence of the accused as to the knowledge of the facts which form the subject matter of the accusation. A trial where evidence is thus taken is no legal trial. In every trial no matter how often the case has been before the court, the witness must be examined *de novo*, in the same manner as if the case were entirely new and the witnesses had not been examined before." From this your Grace will perceive that this sort of examination-in-chief of the important witnesses behind your petitioner's back is not only not sanctioned by law, but also gives the witness a free scope to utter any and every thing false.

98. But after all what is the evidence. The complainant in this case viz. the Police constable who was cited as the first witness and tried during your petitioner's absence at Nellore stated that he was sent for by the Tahsildar your memorialist by a peon and threatened him so that he might not arrest the Goomastah Subba Row and was also asked by the Tahsildar in the Public office before the Taluq Sheristadar and the Deputy Post Master &ca., to write to the Police Inspector about Subba Row. He (the constable) went to his station, made a draft and brought it to the Tahsildar, your petitioner, who struck out the word Subba Row &ca., and wrote in others in a disguised hand and returned the draft for fair copying. He also states that the Sheristadar, the Deputy Post Master, the Revenue 2nd Head Goomastah Kanugo Kristna Row, Subba Row the accused, pensioned Gumastah Kotapati Ramiah, K. Chinniah, head ryot of Duttaloor, one Arab Dustagheir and another Dustagheir and certain Durkhastdars were present on the occasion. They were in their hearing as well as the Kutcherry Gumastahs who were on the opposite verandah. None of the Durkhastdars nor the Arab Dustagheir nor the peon were put in the witness box; they were actually examined privately but as they would not answer the purposes of the prosecution they were dispensed with at the trial. The particular statement of the constable that he was sent for, and threatened by your petitioner, was not supported by any one of the witnesses who were selected for the public investigation and further the statement of the constable that the 6th witness the 2nd Head Gumastah was present when the Tahsildar altered the draft is denied by him who states that he knows nothing about it. His statements that your petitioner asked him for letter to Police Inspector regarding Subba Row and that he showed the draft to Sheristadar and Deputy Post Master the 4th and 5th witnesses is certainly contradicted by the 5th witness. The draft and its corrections were never reported by the constable to his immediate Superior the Police Inspector, (8th witness) and the constable accounts for all this by saying that he did not think it necessary. Notwithstanding these contradictions and other serious inconsistencies it is surprising that his statement was deemed sufficient to condemn your petitioner.

The 2nd witness Bheema Row the first Revenue Head Goomastah was also tried during your petitioner's absence and proved nothing for the prosecution. Bheema Row denies that he ever heard your petitioner tell the constable (as the constable asserts he did) to get off Subba Row by any means and he (Bheema Row) also denies that the Tahsildar ever asked him to prevent Appiah 7th witness from giving evidence against Subba Row. The 1st witness *i e* the constable, stated in

his deposition that this Bheema Row came to him and said that he would get into trouble if he persisted in charging Subba Row. Bheema Row said nothing to support the constable's statements nor did the prosecution attempt to elicit this from him when he came to the witness box.

The 3rd witness for the prosecution was the Head Revenue Inspector Vencata Varathiah. He was the first man that was tried in your petitioner's presence at Woodiagiri. He denied the entire story of the Prosecution and stated that he never heard the Tahsildar tell the constable to compromise Subba Row's case as the constable asserts and further he stated that he was not asked by the Tahsildar to go to the constable and get back the draft from him. He also said that he heard from many persons that there was enmity between the Tahsildar and the 1st witness and that he and the Tahsildar both went to see the Police Inspector who was sick at the time but neither of them said anything to him about Subba Row's case. This witness spoke the truth and his statements were consequently unfavorable to the prosecution. The Acting Head Assistant Magistrate records that this witness was not speaking the truth and that he withheld what he knew as mentioned above in para 11,—and he suspended him on the pretended plea of failure for the payments of articles he purchased and eventually dismissed him from his office as mentioned in his appeal petition to the Board of Revenue.

The 4th witness was the Taluq Sheristadar who is characterized by the head Assistant Magistrate as a straightforward, respectable and independent man. It should be borne in mind that this Sheristadar being the author of all these evils as already mentioned, gave deposition as might be naturally expected, entirely against the petitioner. He confirmed the statements of the constable the complainant, with the exception of the threat of which he made no mention nor did the prosecution attempt to elicit this from him and he further swore that the Post Master witness 5 was present when the conversation regarding Subba Row as stated by the constable took place and also the draft was brought and shown to them both and heard the conversation which took place between him and the constable to the effect on the part of the latter that the Tahsildar had made the alterations, on the part of the Sheristadar that the writing did not look like that of the Tahsildar and that it was a feigned hand like a boy's writing. When we come to the evidence of post master 5th witness, it will be seen that he does not at all corroborate the Sheristadar in any one of his statements inasmuch as he plainly states in the cross-examination that no conversation took place between the 1st witness and the Sheristadar. As regards the draft itself there is a conflicting statement between the 5th witness and the Sheristadar. The Sheristadar identifies that (A) the paper produced in the court as the very paper brought to them both by the constable while 5th witness Post master says that the paper brought to him and the Sheristadar was not the one before the court. To the questions put by your memorialist the Sheristadar returned answers which must certainly cause any impartial tribunal to receive his evidence with caution. He denied that he had with the late inspector of Police given evidence against your petitioner before the late Head Assistant Collector Mr. McCarthy but he admitted that he had made a statement to that gentleman of what he heard from that Police Inspector about your petitioner. Here it will be observed that he admits from his own mouth his desire to injure your petitioner.

As regards the 5th witness (Post Master) the Head Assistant Magistrate Mr. Weir observes in his judgment that he corroborates witness 1 and 4 in respect to the interview at the Cutcherry between 1st witness (the constable) and your memorialist, but he really does no such thing. His evidence is merely that the constable came into the Cutcherry and spoke something in a low tone to the Tahsildar in Hindustani. It is upon this the complainant builds his story. In the course of his duties as station officer the constable would be in and out of the Cutcherry as his station is within the same building and would have occasion to place himself in communication with the Tahsildar but his presence there at some particular time as spoken to by this witness is no corroboration of the constable's story of the Tahsildar having intimidated him or his asking him for a letter to the Police Inspector to hush up the case against Subba Row and further this 5th witness says that some paper was brought by the constable to the 4th witness the Sheristadar while he was sitting with him in the Cutcherry but not to himself and that it was not showed to him; here the corroboration ends. No doubt it was a part of the plot that the constable should bring a paper to the Sheristadar while an independent witness like the Post Master was with him in order to give colour to the story got up by the constable and the Sheristadar. The evidence of the Post Master however so far from corroborating the statement of the conspirators simply scatters it to the winds. Indeed it gives it the lie, for this witness deposes that a folded paper was brought by the constable and put into the Sheristadar's hands. He looked over and saw that it was so folded as to leave the second page visible and he observed five or six letters not connected with one another. He was not prepared to say the letter (A) produced in Court was the same. It was of the same size but not like it. The letters he saw were more big and round and of a different character and therefore he did not think it was the same paper. He further positively asserts that no conversation whatever took place between him and the Sheristadar. This evidently is not a corroboration of the Sheristadar's account of the conversation sworn to by him. The Post Master was not a Cutcherry witness and he was therefore not drawn into the plot. He does not state that any threats took place or any conversation between the constable and the Tahsildar about Subba Row the accused.

The 6th witness was the second Head Gumastah K. Kristna Row. Under the influence of the threats and the irksome position he was placed in, he stated that one evening the Tahsildar told the Head constable to write a letter and he knew it was to the Police Inspector. This was all he knew, so that he gives no particulars about the letter that was to be written or what was to be written. On the other hand he stated that the Head constable brought the occurrence report for K. Subba Row and that he was to be taken to Nellore and that the Tahsildar (your memorialist) endorsed it at once that he might proceed without hindrance. By mistake the original was returned to the Police and a copy of this endorsement was retained among the Cutcherry records. And if the Sub-Magistrate sent at all to the Head constable for the return of any paper it must have been for the original occurrence report which ought have been on his record and that if he had told the constable to write a letter it must have been perhaps that petitioner's acquiescing to what the constable said viz., that "he would write a letter to his Inspector who was then absent at Woodiagiri and then present the occurrence report," as mentioned in para 56 and this circumstance is laid hold of, to give colour to the story of that draft letter set up. To questions put by the Police he plainly said that he never heard the Tahsildar

ask the Head Constable to go and speak to the Police Inspector about Subba Row, the accused, and that he does not know that Ravanappah witness 9 was sent to the Police Inspector and further this witness said nothing to support the statement of the constable to the effect that he was present when he brought the draft letter to your petitioner and your petitioner altered it in his presence and the constable had not attempted to elicit that from this witness.

99. Your petitioner humbly begs leave to submit that the charge brought against him in this case was that he threatened to injure a public servant viz., the Head Constable if he proceeded against Subba Row. Notwithstanding the various unfair means resorted to by Mr. Vans Agnew and the Sheristadar, the evidence elicited during the investigation was so weak that the whole case was about to fall to the ground and the Sheristadar himself who is the author could not have said that threat was used. The enquiry was then postponed to enable the prosecution to frame another charge in the case against your memorialist and after a great deal of labour the conspirators succeeded in accusing him of having suppressed evidence of an offence and securing the services of one Garimalla Appiah a man of no conscience, a beggar, and a hardened criminal, to depose that your petitioner offered him Rupees 50 not to appear against Subba Row. This Appiah was never mentioned at first by the head constable when he deposed at Nellore but now he shines himself as 7th witness in the case. He was the only witness cited to support the 2nd head of the charge viz., that your memorialist endeavoured to make away with evidence in Subba Row's case. He stated in his deposition that your memorialist sent for him and asked him to sit down on a chair which your memorialist brought for him. That he then desired him not to give evidence in Subba Row's case offering him Rupees 50 as a reward. He also stated that Kotipati Ramiah witness 8 for the defence offered him Rupees 20 from the Sub-Magistrate, your petitioner, but this Ramiah does not corroborate the statement at all. He further deposed that a merchant named Syed Kathir repeated the Sub-Magistrate's offer of 50 Rupees not to give evidence against Subba Row. Your memorialist earnestly requested Mr. Weir to summon this merchant and examine him, but he declined as mentioned in Para 83 to do so as he ascertained in an oral enquiry he privately made that the merchant's statement would be very unfavourable for the prosecution. Your Grace can easily find out Mr. Weir's partiality by this very reason that he was not willing to examine any witness whom he finds favorable to your petitioner though he was cited by prosecution.

The 8th witness for the prosecution was the Inspector of Police. He stated that the complainant (the head constable) never reported to him about the draft letter or the corrections thereof, nor entered it in the charge-sheet about Subba Row's theft case and that Ravanappa the 9th witness never told him anything from the Sub-Magistrate. He also deposed to the existence of an ill feeling between your petitioner and the head constable and stated that your Memorialist told him that he (the constable) took up unauthorized cases and therefore wished that he (the head constable) should be transferred. Your petitioner would now leave it to your Grace to judge whether it is likely that he would place himself so confidentially as he mentions, regarding the draft in the hands of a man whom he had so unfavourably reported to his superiors.

100. Your memorialist was then ordered by Mr. Weir after the enquiry of the prosecution witnesses was finished, to name the witnesses for the defence and the charge in this case was then prepared and read out to him. Your petitioner then presented the list of his defence witnesses and made their attendance, and Mr. Weir who promised to examine them on the following day not only postponed doing so for 3 days so that the Sheristadar may have time for tampering them but also at the suggestion of Mr. Vans Agnew he began to examine on the following day another witness again for the prosecution and when your petitioner pointed out the irregularity of his procedure his objection was entirely over-ruled as mentioned in para 91.

Thus the 9th and last witness for the prosecution was produced to swear that the Tahsildar your memorialist wished him to go to the Police Inspector to speak favourably regarding Soobba Row's case and thus assist him but when he was asked to explain what assistance the petitioner needed he answered that he was to tell the Police Inspector that he wished him to come down, examine properly and do justice. If this was at all true, is there anything wrong in wishing the Police Inspector to examine properly and do justice. After all this witness says that he did not convey your petitioner's alleged message although he actually met the Police Inspector and conversed with him. Your petitioner now ventures to ask whether the statement of this witness is not sufficient to show that your petitioner had no desire to hush up the case as stated by the prosecution, but that on the other hand he was only anxious to see it examined properly.

101. Your petitioner named 8 witnesses for the defence, but the Head Assistant Magistrate began to enquire them 3 days after they made their appearance. Your memorialist then again declared that his state of mind and body owing to the attack of dysentery was such as to preclude his undertaking the conduct of his defence and he earnestly prayed for a very short time to get a pleader from Nellore. But instead of acceding to this his most reasonable request, the Head Assistant Magistrate not only declined to do so but undertook to examine the witnesses himself and thus conducted the defence for the accused (your memorialist) besides being his *defacto* prosecutor and judge, as shown in the margin, and not one of them was therefore examined by your petitioner.

"The Acting Head Assistant Magistrate accordingly proceeded to examine the witnesses, to elicit, if possible, any facts tending to show that the defendant was not guilty of the charges made against him."

Witnesses 1 and 2 for the defence were the village Munsiff and the Karnam of Woodiagiri town; they were also examined in Subba Row's theft case and they deposed that your petitioner did neither force nor order nor instigate them either to give evidence in favour of Subba Row or to refrain from giving evidence against him and that they did not hear the petitioner threaten the head constable. These were in the Cutcherry at the time when the alleged conversation was said to have taken place. It is surprising that such respectable and honest persons as these, were not cited as witnesses on the prosecution side, while a witness like Garimalla Appiah (the 7th witness) alone who was under the supervision of the Police, as a doubtful character, was secured although they were all witnesses in Subba Row's theft case. The 3rd witness was a Pedda Capoo or head ryot of Duttaloor village; he deposed that when he went to the Taluq Cutcherry, he saw the Tahsildar, (your petitioner), Sheristadar, and the Post Master, conversing but that he did not hear what it was. He also said that he did not hear the Tahsildar say anything in the Cutcherry to the Head constable about Subba Row's case. Witnesses 4—5—6 for the defence

were respectively 6—5—3 for the prosecution. They did not state that any threats had been used by the Tahsildar. Witness 7 stated that he did not hear anything about the defendant (your petitioner) persuading, advising, or directing 1st witness or any other persons in the matter of prosecuting or giving evidence in Subba Row's case. The 8th witness Kottapatty Ramiah does not say anything about the offer of Rupees 20 to Appiah the 7th Witness for the prosecution as he asserts, nor did he say anything about the threats or the draft letter. This was a witness cited at first for the prosecution by the Head Constable but in the oral enquiry he declined to criminate your petitioner and was therefore rejected.

102. Upon the whole your petitioner respectfully submits that, even unmet as it was by a regularly conducted defence, the prosecution fell to the ground. As to the threat, it depended entirely on the sole uncorroborated statement of the complainant, the first witness *i. e.* the Police Head constable, whose conduct in the affair was most suspicious and extremely unreliable. The story of the letter is clearly a concoction between the constable and the Sheristadar as could be inferred from the statement of the Post Master 5th witness. The 2nd head of the charge viz. your petitioner's attempt to buy off a witness again depends entirely on the statement of a single witness whose position is that of a beggar and a thrice convicted offender. Besides this, he was a member of the suspected persons entered in the station house list and whose conduct was ordered to be watched, and consequently a tool in the hands of the Police. Now the question is whether the uncorroborated statement of this hired criminal will suffice to criminate a person of your petitioner's stamp who was styled by several Collector's of great respect and consideration as "the most respectable member of a respectable family" "a respectable and well behaved public servant" "a well meaning man and well connected" and so on.

103. Notwithstanding the various unfair means that were resorted to in criminating your petitioner any how, and to subject him to a heavy punishment, it was found the evidence for the prosecution in this first case was so weak as to defeat the intentions of Mr. Vans Agnew and therefore he ordered Mr. Weir to postpone his passing sentence till another charge could be enquired into and its result ascertained in order to divide the punishments he could inflict to the full or the double extent of his dangerous Magisterial powers among the cases which in his prejudiced opinion had been proved.

104. Before alluding to the unfounded and uncorroborated evidence elicited in the following 3 additional revenue bribery cases which were exacted on severe exertions by the Sheristadar subsequent to the disappointment experienced by Mr. Vans Agnew and the Sheristadar himself at Oodeagerry in the several other cases above mentioned, your petitioner here humbly begs to bring to the just notice of your Grace how these three cases were exacted from the parties thereof, and how framed and how they were forced to deliver evidence, and what reasonable causes were assigned for the payment of the gratification alleged to have been received. They are as follows:—

105. Your petitioner first begs leave to request your kind Grace to remember the facts mentioned above in Para 65 that the two villagers of Nundipad and Nundaveram where Mr. Vans Agnew halted on his way to Oodiagerry were brought by the Sheristadar under his orders and placed in his charge in irksome

position for being tutored and in reference to that he now begs to state that when no successful results proceeded from his exertions in all other cases he had then recourse to these two villagers alone, for, all the others had run away from Oodiagherry for fear of being caught by the Sheristadar and these were the only persons that were unable to make their escape having been placed in charge of him not only in the state of suspension but also in irksome position by subjecting them to Magisterial trials and search warrants being issued to their houses for seizing their dafters and accounts, on pretended pleas framed by Sheristadar through the instrumentality of Janga Kristniah who was proved to have been a false complainant as mentioned in para 71, that some imaginary excess collections were made in their respective villages, and consequently he had opportunities of having them within his power and constantly tutored them by threats of punishments in the cases pending trial against them in the event of their not yielding submission to his persuasions to accuse your petitioner with a bribe from their villages and by prospects of restoration to their posts if they were to comply with his request without even making any further enquiry in these cases. The villagers after a long and continued refusal on their part were at last forced to yield submission to the severe exertions of the Sheristadar to free themselves from the troubles they were in, and to inculpate your petitioner, with the said excess collections with which they were charged, who was placed in similar irksome position as well as themselves. It was thus the Sheristadar, succeeded in his utmost endeavours to forge three additional revenue bribery cases from these two villagers only who were in his charge and in irksome position and not from any other villagers who were not subjected to these troubles, nor from any other village out of the 250 which the Taluq contains where Mr. Vans Agnew and his agents did not halt. This is a striking and truly surprising fact worth to be taken into your Grace's serious consideration that no case whatever was produced from any one of the other villages where they did not happen to halt, nor any case was brought forward before their arrival at Woodiageri.

106. Notwithstanding all the severe exertions of the Sheristadar as above mentioned, he was only able to exact from them some evidence regarding the cases, but was not able to procure complainants thereof as no one undertook the task of complaining inasmuch as the cases were not genuine and also for fear of punishment as abettors of an offence if their statements were to be proved viz., that they have attempted to corrupt a public servant by means of bribing under the express section No. 162 of the Penal Code.

107. In the implied understanding of both the laws, viz. the provisions of Penal Code, and regulation 9 of 1822 which is directly applicable to the Revenue Bribery cases, and also according to common usage, there should invariably be a particular individual who is aggrieved and who urges the accusation, otherwise the case of bribery cannot be entertained, it being of a very simple nature and having no effect upon the public interests as other cases of a grave character in which the prosecution is carried on at the institution of the Government whether there be a complainant or not (as offences under chapters 14 and 17 of the Indian Penal Code). And consequently the institution of trials in these Revenue Bribery cases without there being a complainant has been long [since prohibited by a Circular Order of the Board of Revenue.

108. Under these circumstances and owing also to the restrictions of Regula-

tion 9 of 1822 regarding punishment to be inflicted, a great consideration took place as to the provisions under which the cases were to be enquired into, and how the absence of the particular complainant should be made up, and eventually Mr. Weir was persuaded to enquire into the cases under the provisions of Penal Code only, and also to make "*regina*" the complaining party as Mr. Vans Agnew's motives were to inflict upon your unfortunate Petitioner the severer punishments awarded by the Penal Code as Regulation 9 of 1822 which only provides for these petty Revenue bribery cases a fine of double the amount of gratification alleged to have been paid, and accordingly the enquiry was conducted in the state of suspension of the authorities of the two villages above mentioned, and when the investigation was finished *i. e*, after they had given evidence so as to criminate your unfortunate Petitioner, the village authorities were restored to their posts as was promised by the Sheristadar without any further enquiry being made in the original accusations against them. These facts can be proved on a convenient reference to the records of the Acting Head Assistant Magistrate's Office.

109. Your Petitioner here begs to point out the several causes which were assigned in the respective cases for the payment of the gratifications alleged to have been received.

In case which is figured as No. 98.—The cause of gratification is nothing substantial and in the absence of any real plea, they pretended the forbearing to show disfavour by your Petitioner as Tahsildar to the villagers.

In case No. 99.—The cause of gratification is based on a supposed reduction made by your Petitioner as Tahsildar in the pasture farm to the renters.

In case No. 101.—The cause of gratification is attributed to the issue of a printed blank Form in conformity to the provisions of IncomeTax Act by your Petitioner as Tahsildar to a few persons for being filled with the amount of their Income.

110. Under the circumstances above mentioned your Grace could easily perceive that there would be no difficulty to procure the required evidence to criminate your unfortunate and helpless Petitioner, but as these two villagers were bent only on pressure to implicate your Petitioner, to relieve themselves from those powerful hands above mentioned, their conscience would not allow them to come upon your Petitioner with so much readiness and willingness as the conspirators forced them to do, but gave a very inconsistent and unnatural evidence, which fact your Grace will be pleased to find out from the following.

111. Further your Petitioner begs to add also, that he was not liable to be prosecuted without the express sanction of the higher Authorities, in all these Revenue cases, for, "forbearing to show disfavour as Tahsildar" "making a reduction on pasture farm as Tahsildar," and "issuing printed blank Forms of Income Tax as Tahsildar," your Petitioner could only have acted as a public servant not removeable from office by the Collector of the District. It is evident that a Tahsildar can not be dismissed but by the Board of Revenue, therefore your Petitioner who is a Tahsildar cannot be tried for acts done as Tahsildar except with the sanction of the Board of Revenue. These facts were represented to Mr. Weir at the beginning of the investigations of these cases in the criminal branch, but no regard was shown to your Petitioner's humble representations owing to his inexperience and to the pressure of his superior.

112. Your Petitioner now begs leave to lay before your Grace the above three cases in details. The case No. 98 framed against your Petitioner was that he accepted from one Junga Vencatanarasoo a resident of Nandipaud a gratification of Rupees 30-0-0 for forbearing to show disfavour to him and the villagers, as Tahsildar. Your Grace in the first place, cannot but with astonishment take into your consideration the fact that this unreasonable cause was only substituted in the absence of the genuineness of the case itself, and was the result of the severe exertions and concoction of the Sheristadar in the hopes of accomplishing his evil wishes at any rate, for, if the Petioner's position as Tahsildar was to become the sole cause of the gratification alluded to, your Grace could judge what Tahsildar or a public servant could be safe from such accusation, for a single day, in the public service, and if it was really the case, why did not all other villagers in the Taluq pursue the same course, and appear to give evidence or make complaint, as well as these villagers. It must be borne in mind that this J. Vencatanarasoo was the late village Curnam of the above Nundipaud and during the period your petitioner was Tahsildar, he was found guilty of various dishonest actions such as making excess Collections, &c. irrespective of this, he was incapacitated by old age to discharge his duties as a village Curnam and was therefore recommended by your Petitioner for his dismissal, and he was accordingly dismissed.

113. This case rested entirely on the statement of only one witness the said dismissed Curnam on the prosecution side, as regards the demand and the payment of money to your Petitioner; he was all the complainant, the bribe payer, and also the witness. His deposition, was taken privately behind the back of your Petitioner, though your Petitioner was present at Oodiagerry, to bind him over at once to the tuition, and notwithstanding the various contradictions and glaring lies his deposition contained, he could not have defined a particular cause for the payment of the gratification, nor had he brought forth any evidence for the payment of the money to your Petitioner, or at least any witness to prove that your Petitioner had ever asked him for any money. On the other hand his own witnesses that were cited by him deposed, with great discrepancies in the amount, that he had asked them in their village for a sum of money in the name of the Tahsildar your Petitioner, and they paid the same to his hand, while some of them as a striking fact, gave their evidence quite, against his expectation, that the same was demanded by this man in his own name only, and that they paid the same for himself only thus proving his former dishonest actions.

114. On the whole your Petitioner begs to assure your Grace that he was not voluntarily prepared to accuse your Petitioner, but on the instigation of the Sheristadar; Junga Kristniah the notorious character and false complainant mentioned in para 71 charged this Junga Vencatanarasoo with misappropriation of some excess money which he collected in his village when he was Curnam and he was thus subjected to magisterial trial. His son the village karnam, and also the village Munsiff were both suspended so as to strike terror in him and induce him to adopt the suggestions of the Sheristadar. To exculpate himself from the charge with which he was threatened this Junga Vencatanarasoo was encouraged by the Sheristadar to transfer the iniquity to the shoulders of your Petitioner, and depose that the excess collection imputed to him was resorted to, to satisfy the demand of your Petitioner.

115. Several were summoned as witnesses in this case on behalf of the prosecution and orally examined; those who expressed that the alleged money was paid for the Curnam himself, and also whose testimony was unfavorable for the prosecution were rejected, while others on whom the Head Assistant Collector &c., had a hold were retained and compelled to depose so as to support the case. The witnesses thus retained were 10 in number. The 1st witness who is the complainant himself stated that after the Jamabandy *i. e.*, after he was removed from his office, your Petitioner sent for him and asked him privately a contribution from him for no cause whatever and that he collected Rs. 30 from the villagers and paid it to him after a lapse of 5 months, when no one was by him at your Petitioner's house. This is quite against the improbabilities either way, for in the first place it would clearly seem awkward that your Petitioner should ask him for a contribution after he was removed from office and that too, for no cause, 2ndly how did the Moonsiff and other ryots of his village pay the money he asked for to his hands after a lapse of 5 months from his removal even although he mentioned the name of the Tahsildar your Petitioner. It is therefore evident that the money he alludes to, must have been a portion of the extra-collections of his former dishonest actions while he was Curnam as proved by the statements of some of the witnesses now examined; and further his statement regarding the rates of money he collected from the respective ryots, had altogether been contradicted by the ryots or the witnesses whom he cited to prove his statement. Mr. Weir naively supported the discrepancy of his statements regarding the rate of money by a leading question to this 1st witness which brought forth the reply that some of the ryots not having paid according to the rate he first imposed, he was obliged to collect that amount from those who have already paid, by again imposing another rate on them to make up the amount of gratification of Rs. 30; but he has not taken to his consideration this serious matter that this second statement of the dismissed Curnam would not only make false his 1st statement regarding the 1st rate but that it would also destroy all the force of the cause of the gratification viz. "Forbearing to show disfavor to his villagers"; whereas he admits in his 2nd statement that some of the ryots have not paid the contribution according to the rate he first fixed and that he has therefore realized that portion from those who have already paid the amount at the rate first fixed, by fixing a second rate again on them: the question is now what disfavor was shown by your Petitioner as Tahsildar to those who have as stated by this witness, not at all paid the contribution as demanded by your Petitioner. It is obvious that no disfavor was ever shown by your Petitioner either to this 1st witness or to any one of the villagers nor did he ask any contribution of the sort from their village. And is it not very improbable and absurd that while some altogether refused to pay anything others are stated to have paid twice for the same cause, while they had escaped the contingency of incurring the Tahsildar's disfavor by having once paid.

The 2nd and 3rd witnesses who were the village Munsiff and the Peddacapoo denied all knowledge of your Petitioner's asking either the 1st witness or themselves for any money, but simply stated that Rs. 30 were collected upon the request of the 1st witness the dismissed Curnam and paid the same to his hands, that they and 1st witness went with it to the Petitioner's house and that the 1st witness went inside the house and returned presently saying that the money was paid to your Petitioner but they did not however see the money paid to him.

The 4—6—7—8—9 and 10 witnesses deposed that the 1st witness demanded from them in the name of the Tahsildar and that they paid it to the hands of the 1st witness as asked in their village but they did not see nor were they sure that it was paid to your Petitioner, but between themselves they disagreed as regards the rate of payment, and denied all knowledge of the 2nd rate.

A striking circumstance connected with this enquiry of the 5th witness has already been mentioned above in para83 viz., that the 5th witness is one Polagadu whose statement was entirely unfavourable for the prosecution and he was dismissed by the Head Assistant Collector with a partial remark "that his evidence was of no importance and he was summoned by mistake for some one else." Your Grace can better judge how far he was justified in pronouncing such partial remark concerning those who spoke the truth that they should be deemed as having made their appearance in the witness box by mistake, when their statement was found unfavourable for the prosecution, and what means your Petitioner could have to disprove the charges evidently concocted against him; it must however be noticed that all other witnesses stated that they paid the money to the hands of the dismissed Curnam in their village while your Petitioner was at Woodiageri.

Your Petitioner cited his servants Mulliah and Audiah for his defence. They stated that they never at any time saw the said dismissed Curnam Vencatanarasoo inside your Petitioner's house, and that he had never stepped into the house of Petitioner; though they spoke the truth, the Head Assistant Magistrate considered their statements as very unimportant and noted as mentioned in the same para that "this is not easily credited." Your Memorialist most humbly begs here to leave it to your Grace's favourable consideration whom else could your Memorialist name as defence witnesses to this and the following case No. 99 which were so framed by the conspirators that the transaction of the cases was stated to have taken place in your petitioner's dwelling house, except those persons who should constantly stay in the house; but this did not suit the predisposed mind of Mr. Weir, in his tendency to please Mr. Vans Agnew.

116. The witnesses for the prosecution did not prove the payment of the money to the Petitioner and the statement of the 1st witness a dismissed Curnam who had been charged with illegal collection and misappropriation, that he had paid the amount to your Petitioner for no cause and without being seen by anybody, is not worthy of any credit. Your Petitioner's servants proved that the 1st witness never at any time came to the Petitioner's house and their statements were certainly more reliable than those of a fraudulent and dismissed Curnam under a servile and hopeless bondage to Kutcherry influence.

117. Notwithstanding the weak, inconsistent, and unreliable evidence obtained for the prosecution without the least cross-examination owing to the particular cause mentioned in para 85 and the questionable character of the witnesses and also the first witness's unreliable statement that he paid bribe without any cause whatever and without being seen by any body, Mr. Weir was of opinion that "stronger evidence of this nature it would be impossible to expect" but he was obliged to take a different view as regards the witnesses of the Defence side although they deposed what was no more than simple truth. In summing up the evidence in this case, it will be perceived that a weaker case could not be presented of the reception of a bribe and that if the evidence showed anything at all, it

only tended to shew that it was either a deliberate concoction of the Sheristadar or of the dismissed Curnam who collected the money and pocketed it himself. Your Petitioner therefore respectfully submits that the conviction was very bad not only on the ground of the utter improbability of the evidence elicited but also that it would be highly dangerous to convict on such unworthy evidence, for then no public servant however high in the land would be safe for a day.

118. The case No. 99 framed against your Petitioner was that he accepted from one Raghupathy a resident of Nandaveram, a gratification of Rs. 100 for making a reduction of Rs. 24 as Tahsildar and also for procuring a reduction of Rs. 70 to be made by the late Head Assistant Collector Mr. McCarthy on the pasture farm rented out for a particular year viz. 1872. Your Petitioner humbly begs to represent to your Grace that, though what is alleged above could be done by your Petitioner as Tahsildar, without being subjected to any question, yet he did no such thing in the present instance, that he neither made a reduction himself, nor procured reduction to be made by Mr. McCarthy. This is certainly the concoction of the Sheristadar, and is in its very nature a falschood, for, the pasture farms of all villages are, year after year, rented out by the Tahsildars by public auction on a certain fixed date, wherein the renters bid on competition, taking into their consideration the state of the growth of the pasture as compared with previous years, and the state of their cattle being attacked with any epidemic incidental to the farm, and the Tahsildar would knock it down to the highest bidder irrespective of the excess or diminution in the rent as compared with previous years, for, that depends as stated above upon local and temporary causes. Thus it will be seen that when the rent bid for in a certain year is less than that of the previous year, it is a gross mistake to call it a reduction as it only goes upon the highest bid in a public auction nor is there anything like a right to claim the same amount as rent year after year, as various causes are likely to affect the worth of the pasturage. Hence no such thing as reduction was made by your Petitioner, but on the other hand, in this particular year viz. 1872 the renters hesitated a great deal to take up the pasture owing to the cattle disease that prevailed in that year, and it was owing to the most strenuous endeavors of your Petitioner that the final bid rose so high as Rs. 140 which amount though less than the rent of the previous year by Rs. 24 was yet somewhat in excess of the rent of some previous years. Thus it is clear that your Petitioner cannot at all be said to have made a reduction of Rs. 24 and especially the auction of this Village pasture having taken place along with the pastures of all other villages of the Taluq, before the close of the first fortnight after the assumption of office by your Petitioner in his new Taluq, how could it be possible that he would receive this as a gratification, and it is really ridiculous to think that any individual will come forward with a bribe of Rs. 100 for a reduction of Rs. 24 in the rent of a particular year. What a proportion of loss to gain! 76 Rs. to be lost to gain 24 Rs.! Again, let us see what immediate profit there could have been to your Petitioner supposing the story to be true. The auction is put in August 1871 and the gratification is alleged to have been paid in August 1872. One full year is the interval between the promise and the performance. It was to veil this falsity and apparent improbability of the charge that the Sheristadar stuck in a supplementary cause of having procured a reduction of Rs. 70 from the hands of the settling officer. Add Rs. 70 to 24 and the total is Rs. 94. The gratification is Rs. 100: Is this not a far better proportion than that of Rs. 24 to Rs. 100; This is

a more specious approximation of gain to loss and hence the charge of having procured the reduction. But even after this trick, the alleged gratification exceeds the reduction by Rs. 6, and it is highly improbable to suppose that the renters would loose 6 Rs. by their bargain in a particular year. Moreover who could believe that such a strict officer as Mr. McCarthy would on the mere representation of your Petitioner reduce the rent? No. The truth was, the renters seeing the loss they sustained by the death of their cattle during the 9 months that elapsed before the Jamabandy period came, appeared before the Head Assistant Collector and requested him to reduce the rent representing to him the disastrous death of cattle and other loss they had sustained, thus appealing to a superior against the proceedings of your Petitioner, who had, as will be clear, far from making a reduction in the rent for a gratification, imposed upon them a rent which in their opinion was too heavy. Mr. McCarthy made an investigation into the case and enquired these villagers, the neighbouring villagers, the Range Revenue Inspector, and your Petitioner, and being satisfied that the renter's claim was reasonable, granted a remission of half the rent viz. Rs. 70. This took place in the open Jamabundy Cutcherry which the renters attended, and their appeal petition, the orders of Mr. McCarthy and other papers connected with the case are on record. While so, it is strange that Mr. Weir should have been of opinion that your Petitioner's presence at the Jamabandy Cutcherry as Thasildar could stand as a cause for the remission granted and the source of the gratification alleged to have been received contrary to the statements of the witnesses in the case viz. "the renters presented petition requesting remission, the Settling Officer reduced the cist by Rs. 70 at the Jamabandy, having ascertained the loss of the cattle." and again, "The Tahsildar never asked them for any money." Your petitioner here begs to point out that if this Mr. Weir's impression was right, there were other cases of a simlar character in which remission was granted at the Zemabandy time by the Settlement Officer, in the presence and on the information of your petitioner as Tahsildar, and why should not those parties give evidence of this sort. The simple truth is, that the Sheristadar caused the same Janga Kristniah, the notorious character who, as mentioned in para 71, is a tool in his hands, to charge these renters with some excess collection on the pasture, with all the remissions they obtained and with misappropriation of the same, and he subjected them to magisterial trials &c. as mentioned in para 105, to strike terror into them and to induce them to follow his suggestion. It is thus the renters or the village authorities were awfully frightened by the Sheristadar in the irksome state they were put in, to accuse your Petitioner in the hopes of their being relieved from the troubles they were surrounded by, and encouraged by prospects of their restoration they eventually made some statements against their will which did not agree with one another and were full of grave inconsistencies in themselves.

119. The purport of these statements was, that they collected in July 1871, Rs. 100 on account of your Petitioner and that they paid the money to him in August 1872 *i. e.*, more than twelve months after the alleged collection was made. Your Petitioner took charge of Woodiagiri Taluq on the 1st of August 1871, and their statements that they collected the money on your Petitioner's account in July *i. e.* a month previous to it, is thus an absurdity and impossibility, which though pointed out was not taken notice of by the Head Assistant Collector Mr. Weir. It would also appear from their statements that the supposed remission of Rs. 24 took place in August 1871 *i. e.* a few days after your Petitioner took charge of the new Taluq

and that the actual remission granted by the Settlement Officer Mr. McCarthy on appeal was in April 1872 or about 9 months hence. This is an attempt by the Sheristadar to create a belief that the gratification was paid, not long after the actual remission was made but only four months after it? Your Petitioner here begs to ask whether even supposing that the remission made by the Head Assistant Collector could be attributed to your Petitioner, it is probable and natural that they would pay the gratification four months after the favor was done, and if to this be added the period that elapsed between the original auction by the Tahsildar and the Jamabundy, viz. 9 months, the total period comes to 13 months and the probability of a gratification having been paid for the supposed reduction wholly vanishes. Their statements that they made the collection of Rs. 100 on your Petitioner's account in July 1871 and paid the same to him in August 1872 shows that the alleged collection was kept in their custody for upwards of one year. Your Petitioner begs leave to ask could such a thing have taken place. Besides, this statement is contradicted by themselves, inasmuch as they individually depose that the pasture tax collection was made by them, according to one, before the pasture was bid in the auction, according to another before the Jamabundy, according to a third after the Jamabundy was over, and according to another, partly before and partly after the Jamabundy, while some say that no money was collected for the sake of the Tahsildar, and nothing was paid on account of pasture farm and others that Rs. 100 were collected purposely for his sake. Again these statements are contradicted by somewho say that on account of the expenses of their village certain money was collected on the pasture and disbursed for different purposes, that the Tahsildar never asked them for any money, but that they only heard that 4 months after the Settlement Officer granted the remission of Rs. 70, 100 Rs. were paid to your Petitioner.

120. In addition to these glaring contradictions which are alone sufficient to render highly improbable the statements of the renters or the village authorities, another curious feature took place viz. that while they the renters as well as village authorities were so many in number, they selected one Raghupathy (witness No. 4) particularly, who was neither a renter nor a village authority, for the payment of the money to your Petitioner, and the fact that the prosecution was made to rest entirely on the statement of this single individual, a man of questionable means and character, a hardened criminal and admitted by himself to be a Kurnam dismissed on the ground of fraud and treachery some years ago, and since earning his livelihood by begging, will suffice to prove the case to be a pure concoction actuated by bitter malice and enmity.

121. The principal renter and Peddacapoo Rama Naidoo who was said to have given the money to the ~~above~~ 3rd witness's hands for delivering to your Petitioner was not sent for and tried, to ascertain at least, the contradictory statements of the 3rd witness and your Petitioner's repeated prayers for the same, proved ineffectual as mentioned in para (83) for, the Sheristadar was well aware that Rama Naidoo would not easily yield to his tuition. Irrespective of this, your Petitioner adduced satisfactory evidence to prove that the above individual (4th witness) who was alleged to have handed over the money to your Petitioner in his (Petitioner's) house had never come to the Petitioner's house either on the day specified or any other day. He was, as he admits, in needy circumstances and happened at this period of agitation to be begging in the adjacent villages for his sons's wedding.

122. When the Head Assistant Magistrate was determined in obedience to his superior's orders to convict your petitioner in spite of the legal defects in the trial and the contradictory and unreliable statements of the witnesses for the prosecution, any strong evidence adduced on your petitioner's side appeared of no avail. The Head Assistant Magistrate entirely bases his conviction in this case on the sole false statement of the third witness, who is a perjurer as mentioned in para 83 above, that "the renters handed their appeal petition to petitioner in the presence of Mr. McCarthy at the time of Zamabundy." Drawing an inference in his mind about the probability of such a thing, he, of his own accord imagines that the petition might have been given to your petitioner some time previously, that it was kept by him till the Jamabundy period came round, and that he himself procured the remission from Mr. McCarthy without the endeavours of the renters, so as to make the renters believe that your petitioner had taken pains to procure the remission, thereby to have some reward. But all this, as stated above, is his own inference only, and was not expressed either by the 3rd witness or by anybody else. Your petitioner begs to ask how Mr. Weir was justified in building such ideas in his own mind while there is nothing in the evidence or on record to that effect. But notwithstanding all his tendency to convict your petitioner at any rate, he could not help expressing unavoidably the weakness of the case, as will be perceived from his own words in his proceedings as mentioned in the margin. Notwithstanding this his conviction of its weakness, the Head Assistant Magistrate discredited the true and faithful statements of your petitioner's witnesses, and considered the tutored evidence adduced for the prosecution abounding with various improbabilities and concoctions as sufficient to convict your petitioner of this charge equally with those cases which were considered by him to be strong, but was obliged to postpone his sentence till the results of the other cases (which were under concoction) were ascertained. Your Grace can better judge how far Mr. Weir was justified in convicting your innocent memorialist against the various improbabilities of the evidence adduced in this case and particularly in spite of his own remarks, which his conscience persuaded him to make, that the evidence was not quite so strong and clear as in the other two cases. Here your Grace will be pleased to remember that what produced this impression of the weakness of the case in Mr. Weir's mind, was the fact that in this case an opportunity was afforded to your petitioner to cross-examine the witnesses, while in the two other cases this privilege, which if granted would have entirely disproved the cases, was refused to your petitioner, as mentioned in para 85, owing to the trick of the Sheristadar

"The case perhaps was not quite so strong and clear a one as the other two cases Nos. 98 and 101."

123. The case No. 101, the last of the four cases in which your petitioner was tried and condemned, was that he accepted a reward of Rs. 37½ from one Guruvappa and others for forbearing to assess them under the Income-tax act. It was supposed by Mr. Weir to be a substantial one on the ground of your petitioner's having issued a printed blank form under the provisions of the said act for filling up the parties' income in order to ascertain whether they were liable to be taxed or not, in the very month in which your petitioner again took charge of the Taluq as he says, "the notice was the cause more or less direct of the bribe;" "The bribe was the direct cause of the exemption." No argument is necessary to show that

this case may be framed with the gratest case against any public official under displeasure. Instances will not be wanting to show that cases of this nature made against officials standing well with their superiors were scouted out of court as the most trumpery and ridiculous concoctions. But as your memorialist was under the severe displeasure of Mr. Vans Agnew and infallibly marked out for ruin, the concoctions which were made with his official pressure were invested with a true coat and considered sufficient to convict your petitioner.

124. Your Petitioner has already stated in paras 8 and 65 of this humble memorial that the banians of Nandipaud were forced on penalty of heavy retaxation and punishment to charge your petitioner. On their declining to do so, they were taken to Woodiagiri, and placed under the strict supervision and tuition of the Sheristadar, who now prevailed upon them to depose that they offered to your petitioner Rs. $37\frac{1}{2}$ as a reward to escape taxation under the Income-tax act, or else your Grace will see that there could be no other cause, for, it is a rare fact that any individual who had escaped assessment would voluntarily come forward to state that he was exempted from taxation on a bribe being paid, and that too, after so long a period as 7 months. The fact that was ascertained both by your petitioner and Mr. Weir that these were very poor traders, and that they were not assessable at all suffices to render the story of the prosecution absolutely incredible to a reasonble mind. But to a prejudiced mind it appeared to be a sufficient ground to entertain the charge and act upon it. The whole income of these five laborers did not average to more than Rs. 60 or 70 per annum, as stated by them, and also as ascertained during the enquiry, and they were not therefore liable to be taxed either according to the old Income-tax act XII of 1871, or the new act III of 1872, which fixed Rs. 500 and 750 respectively as the minimum assessable income per annum. The provisions of the Income-tax act were circulated throughout the villages, not only by printed notices, but were tom-tommed and explained by word of mouth from place to place and at every convenient spot in every village. It is essential to be noticed that the above banians who were said to have paid a bribe for exemption were by law fully exempted already ; they were not ignorant ryots yoked to a plough, but they were sharp-witted traders keenly alive to their interests. They were not the men who would be ignorant of the provision of law, they would be the last men in the world who would submit to any taxation, and they would certainly not pay any money to secure an exemption which the law had already fully secured for them owing to their small annual income.

125. Mr. Weir laid great stress on the fact that your petitioner had issued Income-tax notices to these men, which he ought not to have done if their incomes were not assessable [illegible]. He also stated that by the exercise of the inferential faculties he has come to the conclusion, that the above named 5 witnesses were exempted, because they paid a bribe to the Tahsildar. Does not the Head Assistant Magistrate betray here an utter ignorance of the Income-tax rules ? If he had been aware of the fact that the rules required blank forms to be sent to the parties and that they should be filled up and returned to your Petitioner's office, he would not have entertained this charge and acted upon it although he was pressed upon by Mr. Vans Agnew. He also seemed to be ignorant of the difference between "a notice" and "a blank form" and he presumed that the blank form issued by petitioner is a notice. His expressions that the " notice was the cause more or less direct of the

bribe and the bribe was the direct cause of exemption" are certainly the result of either his sad ignorance or the pressure of his superior. To this, if the striking improbability of the banians coming forward with their sole evidence after the lapse of 7 months without their own complaints be added, it is sufficient above all, to render the case unworthy of even being etertained on the file. Your Grace can observe the inconsistency of the formation of this case by the very long interval of 7 months between the period of their alleged exemption and the date of their giving evidence in this case, and why the above banians failed to complain of your petitioner's irregularity (if it was a fact) either to the principal Collector Mr. Vans Agnew at Nellore or to the late Head Assistant Collector Mr. McCarthy who *halted* subsequently at Nandipaud their village, twice in his circuit, and nearly a month at Woodiagiri, about $1\frac{1}{2}$ mile from the village, on account of Jamabundy, is not explained. The banians cannot put forward their ignorance of his arrival in their village to account for their failure, as they were the parties that supplied him with the necessaries of life &c., why several others residing in other villages who similarly received printed blank forms and were not assessed with the tax as well as these on account of their deficient incomes failed to giveevidence, or to complain, should only be explained by the fact of their being not visited by Mr. Vans Agnew and his agents, and forced to complain. It is the Sheristadar, who has had in his hands a ready tool or a gray hound to hunt up to all such false things, instigated the same Janga Kristniah, who is the resident of these banian's village, and who has proved to be a down-right perjurer in the above Cheroovoopalli case, as mentioned in para 71, and also who had been made the representative of false complainants in the above two cases Nos. 98 and 99, to prefer a complaint against these poor banians, charging them that they had escaped from the assessment of Income-tax on paying a bribe to the Tahsildar your memorialist, and thus subjecting them to his pretended threats, viz. with heavy retaxation and with punishment, forced them to give evidence against your petitioner, that they have paid a bribe to him for their not being assessed with Income-tax; but as they were quite afraid of uttering the gross falsehood on the ground that your petitioner was quite new to them the Sheristadar suggested to them the course of their deposing that the money was delivered by them to the hands of one Kota Subba Row the Katchery gumastah of the Taluq, for the sake of Tahsildar your petitioner, taking Subba Row to be a third party witness for the case, and put forward the plan through the instrumentality of the said J. Kristiniah, taking the five banians as witnesses to the case, while in fact there were no voluntary complaints from them.

126. Notwithstanding all the evil adoptions of the Sheristadar, viz. his making the quite uninterested individual J. Kristniah the complainant, and those interested persons, who properly speaking should be the complainants (as they must have been the aggrieved parties) to be examined as witnesses, and Subba Rao as a third party witness, the evidence elicited during the investigation was full of contradictions and turned eventually to another course altogether in the middle of the enquiry, as will be perceived from the following. In examining the five complainants as witnesses the first witness one Guruvappa who was examined on the 26th September stated that about 6 months ago, the Tahsildar your petitioner asked him and his four companions to pay him something for not assessing them with Income-tax, that each of them paid Rs. $7\frac{1}{2}$ to K. Subba Rao the gumastah of the Taluq on your petitioner's account. The 2nd witness, who was

also examined on the same day corroborated his statement in connecting Subba Rao with the story and he further, in answers to a question from the Court, deposed as follows "There were no others present when we paid the money except Subba Rao and my four companions." Your petitioner thereupon requested Mr. Weir to summon Subba Rao and examine him, but he instead of complying with the petitioner's request took it for the opinion of Mr. Vans Agnew for doing so, and adjourned at noon on that day the further enquiry of the remaining three witnesses and a long consultation took place there in company with the Sheristadar. The next day he remarked about petitioner's request as mentioned in margin. Here in connection with Mr. Weir's remark, your petitioner begs to leave it to your Grace's favorable consideration that who could have been the source of giving this gross incorrect information while in reality no such thing at all existed as mentioned above, whether it could have been the Sheristadar or Mr. Vans Agnew and whether it is just on the part of Mr. Weir to receive such partial and incorrect informations and act upon them against the coincident and firm statement of the 1st two witnesses, and also against the rules, and refuse your petitioner's just request for sending for K. Subba Roa who was cited as the only witness to whose hands the gratification was said to have been given, and after all, what is more and more surprising is the substitution of the said vagabond J. Kristniah whom the first two witnesses never made any mention of, and who was a ready tool in the hands of the Sheristadar as the 3rd party substantial witness in the place of K. Subba Roa.

> "Even supposing that K. Subba Rao gave the most favorable evidence on defendant's behalf the Court could not, considering all the circumstances regarding K. Subba Rao, and the relationship subsisting between K. Subba Row, and defendant, that have recently come to the knowledge of the Court place any reliance whatever in his evidence."

127. The third witness was examined on the next day the 27th September. He even in corroborating the statement of the 1st and 2nd witnesses never made mention of J. Kristniah at first but answered to a leading question from the Court in the following words, "I think Janga Kristniah was inside the house and that before money was paid they saw Kistniah go in but *that no conversation took place with him.*" The 4th and 5th witnesses were also similarly forced to swear that Janga Kristniah was inside the house. It is most extraordinary that this Janga Kristniah was not in any way hinted at by either the 1st or 2nd witness, who were both examined on the previous day, but he was mentioned by the third witness on the following day as will be seen by his very deposition to a leading question of the Court, and thus, this Janga Kristniah was made the third party witness in the place of Subba Rao whom the 1st and 2nd witnesses had declared to be the real party. Now your petitioner begs to leave it to your Grace's consideration what may be the cause of this Janga Kristniah, who was first made the complainant of the case, being metamorphosized in the middle of the enquiry to the shape of third party witness in lieu of K. Subba Rao, rejecting him on a grossly false ground; how and on what reasonable cause Mr. Weir was obliged to accept this notorious man who was declared by himself only, to have been a false complainant as above mentioned, and one who was often made to appear before him in all the cases either as complainant or witness, and now in this case first as complainant, and subsequently as a third party witness, and how was it possible for him to entirely believe such notorious man's evidence in preference to that of K. Subba Rao. Thus this

Janga Kristniah, put up at the 11th hour, appeared as the third party witness in lieu, of K. Subba Rao. He was tried the next day as 6th witness, after the three witnesses were examined. He deposes on oath a good deal of things which were not at all mentioned either by the two witnesses tried on the previous day or by the three persons tried on the following day. He stated that about 9 months ago, when he went one day to the Tahsildar's house, he saw the five witnesses standing outside your petitioner's house, they told him they were going to pay Rs. 8 each, that he heard afterwards from 3rd witness that they had paid Rs. 7-8-0 each and that they told him that they paid some money to K. Subba Rao on your petitioner's account. Is this not a striking fact to be observed by your Grace that he, Janga Kristniah, alludes to these conversations with the 5 witnesses regarding the amount when standing at your petitioner's house, which they entirely deny. This is all the evidence on the part of the prosecution; and it is wholly unmet by cross-examination, and it is surprising that though it happened no witnesses were examined for the defence and notwithstanding the procuration of the false third party of the 6th witness J. Kristniah in the middle of the enquiry, as well as his notorious character which was proved before Mr. Weir, and with all the glaring contradictions and legal defects, his evidence was considered by that gentleman sufficient to convict your petitioner. From a kind perusal of the evidence elicited during the investigation it can be easily perceived that the case is altogether a concoction of the Sheristadar.

128. Your petitioner has arrived at the conclusion of his explanation as to the charges framed against him and he feels confident that he has succeeded in showing that these have been simply trumped up against him by the malice of his enemies on severe exertions from the particular two villages only, where Mr. Vans Agnew halted. Various were the legal defects that vitiated the trials in these cases, and numerous were the unfair means resorted to, to suborn witnesses. Irrespective of the complete defectiveness and unreasonableness of the whole of the proceedings, the strongest suspicion going to the very root of the matter, must attach to the entire body of the evidence for the prosecution, from the above two significant and cogent circumstances alone, which preceded the procuration of the evidence. They were, first, the personal disgrace cast on and violence shown to your petitioner in the presence of an assembled concourse of public officials, subordinate servants, and ryots, and secondly, the wholesale removal and suspensions of subordinate officials, and subjecting them to magisterial trials, as mentioned in paras 8, 65, and 105

129. Independently of these unfair means resorted to by Mr. Vans Agnew, and the inherent weakness of the cases, your petitioner respectfully submits that the probabilities are entirely against the course of conduct imputed to your petitioner. Is it probable with the warnings and threats of severe punishment from so impetuous a functionary as Mr Vans Agnew, who heralded his arrival into the District with the vaunt as he says, "I invariably meted out severe punishments to whomsoever I might discover playing tricks," "I was gazetted collector of Nellore on the 2nd October, and it was well-known throughout the Nellore that I had exposed many tricks and severely handled the perpetraters thereof in the neighbouring District, there was a great panic among the possessors of uneasy consciences among the Nellore officials" still tingling in his ears, —with the sickening knowledge fresh in his memory, that Mr. Vans Agnew had denounced him as a

forger, and had recommended his ignominious dismissal from the public service—with the fact before him that he had but recently been removed from Rapur to Woodiagiri and had had charges framed against him behind his back at Rapur—with the humiliating circumstances staring him in the face that he had been frequently suspended in the space of a few months and sent backwards and forwards between Woodiagiri and Naidoopett to answer quasi-criminal charges—with the consciousness that he was under the displeasure of the collector so severe that he was not allowed even to pay a visit to him and that the watchful eye of that dreaded functionary was upon him by instructing the Taluq Sheristadar and others to look after him and with a knowledge of the Sheristadar's evil endeavours in conjunction with the Police staff to bring your petitioner into risk, is it probable, your humble petitioner respectfully asks, that with such a terrible experience fresh in his memory he would, immediately after he was relieved from the hands of the Deputy Collector, in a new Taluq and among an entirely new people and under a very strict new divisional officer Mr. McCarthy, and above all, under the narrow watchful eye of the Taluq Sheristadar, the favourite of Mr. Vans Agnew, cast himself headlong into a course of extortion and corruption and place himself in the hands of such a man as the Head Constable himself shows himself to be?

130. Irrespective of the above striking improbabilities, your memorialist here begs leave to represent humbly to your Grace, that considering the respectability of your petitioner's family connection and the meritorious services of your petitioner extending over a period of nearly 29 years and testified to by various gentlemen of greater consideration and ability who preceeded Mr. Vans Agnew as that, "He is a most respectable member of a respectable family" "A respectable and well-behaved public servant," "well meaning man and well connected," and "upright" and so on, as already mentioned above in paras 24, 25, and also styled even by Mr. Vans Agnew with all his severe displeasure, that "He belongs to one of the wealthiest native families in this district and has lacs of Rupees to fall back upon." though this his opinion eventually tended to the destruction of your unfortunate petitioner, he is constrained to ask your Grace whether he would be the individual that would be guilty of the mean charges of extortion and corruption of so trifling a sum as Rs. 167-8-0, and that too, in three cases together, unjustifiably and maliciously attributed to him.

131. Further, your memorialist bravely ventures, at this opportunity, to assure your generous Grace that he had won, during the whole period he had been employed in the several respectable posts such as Hoozoor Moonshee, Hoozoor treasurer, Taluq Sheristadar, Deputy Tahsildar, Head of Police, Sub-Magistrate, Acting Tahsildar, and Tahsildar, a name for strict honesty and upright character, from all the gentlemen under whom he served, and was also looked upon by the local residents of the different places where he happened to hold the above offices with great love and esteem and that he was aloof and far from all extortion and corruption. It is therefore evident that no complaint or evidence whatever was set forward against your petitioner's conduct during the long period of 29 years and he was never blamed with any such fault as bribery and corruption, nor with any the least accusation of any sort. He can adduce proofs of this his upright conduct by the public records as well as also by the gentlemen under whom he served and also by the native community with whom he had official connection and reference but lastly to the great misfortune of your memorialist, he was unfortunately misrepresented by Audaki Sudersena Roa

the bitterest enemy of your petitioner's father in the very beginning of Mr. Vans Agnew's arrival in the District and his disappointments of his consequent attempts to ruin your petitioner gradually made the gentleman to resort to these illegal steps of procuring forcible evidence by subjecting petitioner's subordinates to irksome positions without even taking to his consideration the justness or otherwise of the course he adopted to accomplish his prejudiced designs.

132. It was thus, your Grace will find out, that this was the first accusation of corruption with which your unfortunate Petitioner was charged during the whole long period of his services, and your Petitioner trusts that this would give an inference to your Grace, in consideration of his past good conduct and services, that this last attribution of corruption is nothing but the malicious act of Mr. Vans Agnew, whose precedents are already well known to your Grace's Government.

133. Thus, notwithstanding all the above improbabilities, the various unfair means and legal defects that characterized the trials in the above cases, and the want of sufficient evidence to substantiate the charges framed against him, your most unfortunate Petitioner was unjustly sacrificed as a victim, through the instrumentality of Mr. Weir a quite new and inexperienced officer to the malicious resentment of Mr. Vans Agnew, and was condemned to a simple imprisonment of 21 months and a fine of Rs. 2000, in all, for the falsely alleged gratification of Rs. 167-8-0. No argument is necessary to show that the judgment in these cases was not at all based on the evidence elicited, but entirely on the determination, Mr. Vans Agnew had already formed for punishing your Petitioner at any rate. Your Petitioner is at a loss to account for the unwarrantable observations mentioned in paras 89 and 90 with which Mr. Weir closes his judgments, which professed to be based on the evidence before him, and your Petitioner begs to represent to your Grace the extreme injustice that has been done to your Petitioner and the disgrace cast upon him by the uncalled for and unfounded remarks such as those quoted above.

134. Is it to be wondered at that such an accumulation of troubles, with the portentous signs of the Collector's severe displeasure around him, with the Collector, the new Acting Head Assistant Collector, Taluq Sheristadar and other officers, village servants, and the very intimidated villagers, arrayed against him, away from all his friends, in a distant camp 70 miles across country from the Huzur and called upon to answer four charges simultaneously——is it to be wondered at, that such a state of things should have the effect of so prostrating your Petitioner's mental condition and physical health that had already been depressed by dysentery, as to render him unfit, single handed to cope with his defence? He prayed again and again for a respite of a few days to send for the Zillah Surgeon or to send your Petitioner to Nellore for medical aid and to procure legal assistance, but these most reasonable requests were utterly denied him as detailed in paras 81 and 82, above, while the proceedings were being rapidly pushed on to a dangerous conclusion in the enfeebled and unaided condition in which your Petitioner was. Dr. Lloyd's statements made before Sessions Judge as mentioned in para 82 were quite sufficient to disprove the expressions of Mr. Weir which were solely based on the malicious informations of Mr. Vans Agnew as confessed by him in his proceedings mentioned above in para 76.

135. Your most and most unfortunate Petitioner with great regret now begs to bring to your Grace's gracious consideration the sad results of his appeal in the Sessions Court of Nellore, where too, with the influence of Mr. Vans Agnew, matters so contributed to the greatest misfortune of your Petitioner, in addition to the unfortunate events to which your Petitioner had already been unjustly exposed, that Mr. Best, the impartial and independent Sessions Judge, to whom your Petitioner had presented his appeal against the unjust decisions of Mr. Vans Agnew, had been all of a sudden unexpectedly transferred to Bellary District and was hurried away to that place without waiting till his successor Mr. Goldingham joined the District and Mr. Goldingham who was to dispose of your unfortunate Petitioner's appeal had arrived at Nellore after the departure of Mr. Best and became the guest of your Petitioner's real prosecutor Mr. Vans Agnew, through his being a fellow scholar and friend, and further to the great misfortune of your Petitioner it accidentally happened, that he lost his young daughter on his way to Nellore. Mr. Vans Agnew accommodated Mr. Goldingham in his house and that, not for a short time but for so long a period as 9 months nearly Mr. Vans Agnew who was the cause of your Petitioner's ruin had availed himself of this favorable opportunity to poison the new judge Mr. Goldingham's ears against your Petitioner, who was quite a stranger to that gentleman.

136. Instances thereof were soon poured out by Mr. Goldingham publicly, a few of which your Petitioner here begs to lay before your Grace. Firstly your Petitioner's counsel Mr. Miller in the appeal petition had requested the Court to send for a few papers from the Collector's office to prove the enmity of Mr. Vans Agnew as they were refused by the Collector to your Petitioner, but Mr. Goldingham who was put up with Mr. Vans Agnew had on his advice endorsed to your Petitioner; before the date of the hearing of the appeals, through the jail Superintendent of Nellore, that your Petitioner should himself apply and obtain them. It was only because the Collector declined to give them that your Petitioner's counsel preferred the request to the Sessions Judge, but he, (Mr. Goldingham) well knowing this, yet refers your Petitioner's request to the same authority although he is competent to call for the papers if he choses. And your Petitioner accordingly again applied to the Collector, but was of course refused as before.

137. Secondly, Mr. Goldingham's own expressions addressed to Petitioner's counsel in the public Court on the very first day of the hearing of your Petitioner's case marginally mentioned, are quite sufficient to assure your impartial Grace that, that gentleman, before the hearing of your unfortunate Petitioner's case, was sufficiently insinuated by Mr. Vans Agnew, his host, and was greatly prejudiced against your unfortunate Petitioner. What clearer proof than this could your Petitioner adduce to assure your Grace of the prepossessed mind of the new Sessions Judge and when he was prejudiced to such an extent as above, what favorable results could your Petitioner anticipate from that new gentleman though his counsel shown all reasonable facts on appellant's behalf. These Mr. Goldingham's remarks cannot certainly be the result of the impressions produced in Mr. Goldingham's mind from a personal experience of the Petitioner's character but the effect of the misrepresentations and insinuations he received from Mr. Vans Agnew whose fellow-scholar, friend and guest he was. It

"Defendant (your Petitioner) is a most aggravating man, and he has been trying to play with the tribunals of the country."

must be noticed that Mr. Goldingham arrived at Nellore only a few days before the hearing of the Petitioner's appeal and since put up with Mr. Vans Agnew, and his novelty to the District and the little or no experience he had of the Subordinate officials of the Nellore District, like your petitioner, would not have placed him in a position to believe at once without the least doubt, and pass such remarks publicly in the Court unless thrown into his head by such a gentleman as his friend Mr. Vans Agnew who was bent upon ruining your petitioner without caring for the steps he took to accomplish it, as there were none such in the humble opinion of your memorialist who dare make such malicious reports to a gentleman who is a new Judge and also quite unacquainted with the officials of the District and who had taken his residence with the Collector Mr. Vans Agnew.

138. Thirdly, while the cases in themselves were not important and had only come to him on appeal, and while there was no necessity for conducting the prosecution through a pleader, yet Mr. Goldingham advised the Collector to send a pleader to conduct the prosecution, Mr. Vans Agnew then requested your Government to send the government pleader attached to the High Court and on their declining to do so on the ground that they were not interested in the cases he appointed Mr. Mackenzie the Assistant Collector to conduct the prosecution on his behalf and the Sessions Judge approved of this nomination. It is a surprising fact why Mr. Vans Agnew should so heartily interfere as to send a pleader on his behalf to prosecute your Petitioner even although the Government declined to sanction his proposal and that too, as there is a government pleader at the Sessions Court itself, and several other competent pleaders in that Court, and why Mr. Mackenzie who is a public servant, a civilian, and by virtue of his official position a subordinate of the Collector, should be chosen to conduct the prosecution, with the help of his very confidential Moonshee and the Sheristadar above mentioned. There must be some reason for this, your Grace can better judge.

139. And fourthly your Grace will not fail to perceivefrom the following proceedings of the Sessions Judge that his decision was not certainly an unbiassed one. His obligations to the Collector as a fellow-scholar, friend and guest had certainly influenced his decision in your Petitioner's case, for instance, when the serious defects that vitiated the trial in the Petitioner's case and the violation of law intentionally resorted to by Mr. Weir were pointed out to the Judge by Petitioner's counsel on the first day of the hearing of the appeal, he expressed in the Court publicly his desire to remedy them by summoning those witnesses &ca., who were declined to be sent for and enquired into by Mr. Weir: but he failed to do so on the next day; and your Petitioner could not but attribute this change of purpose to the insinuations of the Collector his friend or else he is at a loss to account for it.

140. It is a most extraordinary matter for regret that at the trial in your Petitioner's case both in the original and the appellate side, it so happened to the bad luck of your Petitioner that both the Head Assistant who undertook the original trial and the Session Judge who heard the appeal became the guests of Mr. Vans Agnew who, having accommodated them in his own house as above mentioned, and keeping himself in the back ground, thrust his inexperienced Head Assistant forward to enquire into the cases and made the new Sessions Judge, who was expected to take notice of the serious defects that vitiated the trial and do justice, to be

prejudiced against your Petitioner who is quite stranger to that gentleman by poisoning his ears. It is therefore Mr. Goldingham was not able to divest himself of the impressions he received from him. The expressions used by Mr. Goldingham during the appeal hearing and the manner in which he overruled the most reasonable objections of your Petitioner's counsel suffice to convince every thinking mind that he was placed under such circumstances as even to overlook the ends of justice in obliging Mr. Vans Agnew his host.

141. Your Petitioner's counsel, besides mentioning the numerous other irregularities and legal defects that characterized the trial by the Head Assistant Magistrate, to the Sessions Judge, had very earnestly urged that in case No. 92 the sanction of Government or of the Board of Revenue was an essential preliminary, under section 167 of the criminal Procedure Code, to place your memorialist in his trial, and that neither the Head Assistant nor the District Magistrate himself was competent to entertain the charges framed or to proceed to trial of them without first laying the facts of the several cases before the Board of Revenue; Mr. Goldingham got over the objection by saying that he regarded the intervention of your memorialist "not so much in his capacity of Sub-Magistrate but as Narrain Rao a private individual and friend of the party to be arrested" though he continues "he did threaten him with a threat which he could not have used but for his official position." He further admits the difficulty of the objection when he writes, "It is very difficult in many cases where public servants are concerned to draw the line accurately between their public and private acts, but I doubt if this can be construed as an offence committed in appellants' capacity of Sub-Magistrate." And with this mere expression of doubt Mr. Goldingham decided that the previous sanction of Government, still less of the Board of Revenue was wholly unnecessary to make the Head Assistant competent to take up the case.

142. Again in cases Nos. 98 and 99, where your memorialist was chargedwith accepting bribes from certain villagers in the one case for forbearing to show disfavor and in the other for a reduction in the Pullery tax, he could only have acted in his capacity of a public servant, not removable from office by the Collector of the District, viz., as Tahsildar of Woodiagiri. It was contended by your Petitioner's counsel in the appeal before Mr. Goldingham that the sanction of the Board of Revenue was absolutely necessary before the charges could be entertained against your memorialist. A Tahsildar was not liable to be dismissed but by the Board of Revenue, therefore a Tahsildar could not be tried for acts done as Tahsildar, except with the permission of the Board of Revenue. Your Petitioner's counsel cited several instances such as the Kulitalli Tahsildar's case and others in which it was held that the non-obtaining of the previous sanction of the Board of Revenue for the trial of charges brought against Tahsildars, was fatal to the trial of the accused. This circumstance was urged on to the consideration of the appellate Court at the hearing of appeal but Mr. Goldingham the friend and guest of Mr. Vans Agnew could not look at the question in this light. His view was that Mr. Weir as Head Assistant Collector and as such the immediate superior of your memorialist was competent to entertain the charges upon which he had proceeded without anybody else's sanction but his own.

143. Again in case No. 101, your memorialist was charged with accepting 37½ Rs. for forbearing to assess certain individuals with Income-tax. It was urged in appeal that in acting under the Income-tax act, an officer either assessing or exempting individuals, from its operation was acting as a Judge. Your Petitioner's counsel urged that your Petitioner acted as a Judge and therefore the Head Assistant was not competent to entertain charges against him without the previous sanction of government, but Mr. Goldingham, over-ruled the objections and even undertook to cavil at the interpretation placed upon Section 167 by his competent and lawful superiors.

144. Before entering into case No. 98 your Petitioner's counsel observed that the charge was highly improbable and that the conviction should therefore be quashed. In para 9 of his judgment Mr. Goldingham writes thus about it. "I will pass now to Calendar No. 98. The argument of appellant's counsel again is that the charge is highly improbable but such is not the result of my experience in this country, else, whence these enormous fortunes which are sometimes amassed in Government service." Your petitioner has already stated that Mr. Goldingham was entirely new to the District and that expressions such as the above which necessarily hint at the position of your petitioner, were not the result of his own personal experience but that of the impressions he received from his friend Mr. Vans Agnew. Thus your Grace will, not only find that Mr. Goldingham entirely acted upon the insinuations of Mr. Vans Agnew but that he had also based his conviction wholly upon the mere impressions which he admits that "else whence these enormous fortunes which are amassed in Government Service," and not upon the merits or evidence of the cases appealed before him.

145. Again in case No. 99, the pasture case, your Petitioner's Counsel contended that the advantage solicited by the renters was not a yearly recurring gain, but one gained for a particular year, owing to the disastrous circumstances such as the death of large number of cattle that took place to such an extent as to threaten the profits of the renters. He also pointed out that the remission granted by Mr. McCarthy will not in any way interfere with the next year's sale. The Government pleader nominated by Mr. Vans Agnew viz., Mr. Gordon Mackenzie over ruled the objection and replied that the renters paid Rupees 100 to your memorialist for establishing a permanent reduction of 94 Rupees in the pature tax. This is certainly a plausible view, so plausible indeed that Mr. Goldingham jumped at it at once for the purpose of confirming the conviction and he adverts to it as follows, in para 10 of his judgment, "The argument of appellant's Counsel turned chifly on the improbability of the renters paying Rupees 100 to procure the reduction of the rent from Rupees 164 to Rupees 70 for a single fusly or in other words paying Rupees 100 to secure a benefit of 94 Rupees. This improbability however vanishes when we remember that the renters would expect this reduction to be permanent and so probably would have been"; your Petitioner's arguments and statements in paras 118 & 119, would suffice to convince your Grace that your petitioner did not make any reduction in the pasture tax, and that it is a gross mistake to suppose that a reduction made in any one year consequent upon the peculiar circumstances of the year, will have any effect upon the rent of succeeding years as it is proved in the following years, especially as such pasture farms are, year after year, put up in auction and rented out only to the highest bidder. Your Grace will thus observe that the Sessions Judge has sadly fallen into the same mistake as the Head Assistant Magistrate and thus accorded to the wishes of Mr. Vans Agnew.

146. For fear of encroaching too much upon your Grace's valuable time your unfortunate Memorialist is here obliged to cut short the description of his grievances and earnestly hopes that the many glaring instances of injustice he has been made the victim of and the innumerable irregularities that characterized his so called trial, as depicted in the above few pages, will not fail to have convinced Your Grace that your petitioner deserves that justice should be done to him by your generous Grace alone. All your petitioner's misfortunes are to be laid at the door of Mr. Vans Agnew, who knows no moderation in abusing his magisterial powers, or, in the pursuit of a victim and whose irrepressible foible of hunting down supposed delinquents is played upon by intriguing and interested sycophants. Under his immediate supervision and control, the Head Assistant Magistrate convicted your petitioner against all probabilities denying your petitioner the simplest privileges of even the direst criminal, e. g. cross examination of witnesses and making a defence under many mis-apprehensions of fact, law, and procedure, and in opposition to every evidence that was really worthy of belief. But to the greatest misfortune and utter ruin of your petitioner matters did not fare much better in the Sessions Court as detailed above, and in further exemplification of the injustice done to him in this latter place, your petitioner begs leave to suggest the following points, and to state that the answers to them would enable your Grace to form an impartial opinion of the cases. Whether or not Mr. Goldingham the District and Sessions Judge put up with Mr. Vans Agnew for so long a period as 9 months.—Whether such co-residence is not the result of intimate friendship.—Whether such co-residence for so long a period as 9 months resulting from intimate friendship will not admit of Mr. Vans Agnew's talking to Mr. Goldingham on the subject of your petitioner's case whom he had marked out for ruin, and prejudicing. if not, finally settling Mr. Goldingham's course in the cases.—Whether Mr. Goldingham had expressed or not in the public Court that "Defendant (your petitioner) is a most aggravating man, and he has been trying to play with the tribunals of the country" indicating the prejudiced state of his mind before the hearing of the appeal,—and whether Mr.Goldingham on the first day of the trial expressed his willingness to send for and inquire the witnesses whom Mr. Weir refused to send for, and failed to do so our the next day. But what might have been the cause for. his suddenly changing his purpose the next day and declining to do so and not only so, but coming down upon your poor petitioner with the greatest vehemence possible!

147. Your petitioner further most humbly begs to represent here, that although Mr. Goldingham were disposed to enquire into your petitioner's case properly and justly, yet your Grace will observe that he, being a tribunal only equal in authority to the Collector and Magistrate, had nott he power to enquire into, or to rectify or censure the illegal acts committed by Mr. Vans Agnew, the Collector and Magistrate, in furtherance of your petitioner's cases, such as abusing his powers by way of intimidating the petitioner and his subordinates and others by suspending, dismissing and unjustly subjecting them to magisterial trials and compelling them to give evidence against your unfortunate petitioner as mentioned in paras 8, 9, 10, 11, 12, 13, 14. 27 & 105, simply to satisfy his unreasonable and unjust animosity as mentioned in paras. 21, 27, & 28. His evil and unjust endeavors to ruin your petitioner through the Board of Revenue, Naidupett Deputy Magistrate, and Mr. McCarthy, the late Head Assistant Collector and the disappointments he had experienced often as mentioned in paras. 30, 31, 32, 33, 34, 35, 36, 37, 39, 40, 41, 42, 43, 51, 52, &

53. His listening to the anonymous communications and misrepresentations as mentioned in paras. 15, 16, 17, 18, and 21, and his malicious persuasions in the pursuit of ruining your petitioner to Messrs. Weir and Goldingham as expressed by those Gentlemen as mentioned in paras. 75, 76, 77, 80, 81, 108, 126, 136, 137, 139, and 144, and above all, particularly his treatment of the subordinate servants mentioned in paras 15, 19, and 20—all these were not cognizable or to be taken notice of by a judge of a district, but the Government alone is the sole and proper authority who have the supreme powers over all, to take notice of such illegal and unjust acts committed by the tribunals of the country. Your Petitioner therefore most humbly prays that your Grace's Government will be pleased kindly to do him such justice as they have done in the cases of the subordinate servants of Cuddapah, Nellore, and Vizagapatam Districts, when they were unjustly injured by the Collectors in abuse of their lawful powers, and further your Petitioner humbly trusts that Mr. Weir's listening to, and obeying the illegal advices of Mr. Vans Agnew, his consequent tendency and acting upon them to ruin your Petitioner as mentioned in paras 75, 76, 77, 80, 81, 83, 84, 108 and 126, his refusing to allow time to send for a pleader from Nellore and to send for the Zillah Surgeon to ascertain the fact of Petitioner's sickness as mentioned in paras 81 and 82, his refusing to give copies of the records of cases and to allow Petitioner to cross-examine prosecution witnesses and also to receive the Petitioner's defence in the cases as mentioned in paras 85, 86, 87, and 88, and his other illegal proceedings mentioned in paras 89, 90, 91-92-93, 94, 97, and 98, are also worthy of notice by your Gracious Government alone.

148. Your Memorialist most humbly and earnestly hopes that in consideration of the high character your Petitioner bore as testified to by several Gentlemen of great worth and consideration, mentioned in paras 23, 24 and 25, of his long and meritorious services for the long period of 29 years, in consideration of the respectable family to which he has the honor to belong, and finally in consideration of the excellent services rendered to your generous Government by your Petitioner's father, that in consideration of these important facts and of the extreme injustice done to him as pointed out in this memorial, your impartial Grace will be pleased to send for all the records and hold a fair review of your Petitioner's case and do him that justice for which your Grace's Government is so richly famous and which your Petitioner has so ignominiously been deprived of. He prays and fully trusts that as an atonement for all his past sufferings and misfortunes, not a few in their number, your Grace will do the utmost you could to relieve your Petitioner from the miserable state to which he has been unexpectedly reduced, not by his unworthiness or fault, but as mentioned in paras 44, 51, and 53, solely owing to the hasty, and prejudiced temper of a single Officer, who has for such illegal acts already been censured by your Government on several occasions, as will be clear from the records of your Grace's Government. Your Petitioner further most humbly begs that if owing to the greatest misfortune of your Petitioner, his case is not one that could be conveniently disposed of here favourably to him, your Grace's Government will be kindly pleased to ~~forward the enclosed petition~~ submit his case to the Right Honorable the Secretary of State for India with the favorable recommendation of your generous Grace's Government and be pleased to secure him justice which he was here declined.

For which act of kindness and favour, your most faithful and humble servant as in duty bound, shall ever pray.

Madras, *July* 1876.

Your most obedient and humble servant,

Late Tahsildar of Woodiagiri in Nellore District.

L 918

Recd G.O. 23 November 1776
No 1767.

Translation of
Exhibit No 2 is
printed at the bottom
of page 6 in small
type.

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Translation of the
Duplicate Copy of the
Summons (marked No 3)
is printed at page 15
in small type.
No translation of the
two depositions can be found

No. 3

Judicial

137 / సం॥ 30 వ.

BELLARY
ELLORE

In No 2209 1/76 dt 1898 07 26

1872 No
165

Oral Petition
presented by Kanaya
Ramachendra Rai
on behalf
of the Prisoner in Case
No: 92-98-99-101 of
1872 on the file of the
Court, praying for
certain Copies of Documents.

Order

Petitioner is entitled
only to Copies of portions
of the record. The
only documents referred
to which come under
Rule 1898 of 76. Rule 220 of 76

1877 Plaint application
made by Ramayo Ram.
Chandra Rao Vakil
on behalf of accused
in Cases Nos 92 to 98-97.
and 101 of 1877 requesting
to grant him certain Copies
Order
Petitioner has already
been informed that
he will be furnished
only with Copies of those
papers which form
the record in the Case
there 1878 of 726 in which he has been
Note 27/9/1876

this Correspondence
(1) the letter to the
Police Inspector -
(2) the report of the
village Accountant, Circle
of the other papers
official, file except
the granted. Nos
Correct
H.A. Jn. Office
Peshkar
Order

The 4th Nov: the Marquis of Lansdow
Secretary of State for India

51

The humble memorial of Vemagi
Narayana Pralat, Tahsildar and
Magistrate of Kodiagerry, Tulug, in N
District, Madras Presidency.

Very respectfully Lordship

With profound respect and submission
Your Memorialist most humbly, begging pardon for the intrus
he may cause to your Lordships most valuable time, crave
leave to submit the few following lines for your Lordships
benign consideration, in the hope that after a careful perus
of the Petition hereunto annexed, your Lordship will be pleas
with that justice and clemency which is so characteristic of th
English Supreme in India and especially of Statesmen like
your &c
to a merciful view of the hardships and
injustices
and wrongs under w
has been illegally subjected to,
be deserving of, in
justice to him as he may appear to
singular misfort
our eyes, and which he has by a mock
failed to secure
as mentioned in paras 135 to 140 of the petit
the hands of the District Judge.
Your
memorialist was the Tahsildar and Sub-
Magistrate of Good
by taking in Nellore District within
was subjected to
disgrace and miseries, which form the
subject-matter
accompanying Petition, by the very hars
and unjust pro
of Mr J Sims Agent, the Collector and
Magistrate of th
District as well be proved to your Lords
by the
and also by the documents therein

...was passed
upon him, he caused an appeal ...presented to the
Government of Fort Saint George, through Josh. Stiller Esqr.
Barrister-at-Law, but the Government ...declined to interfere
in his case. He, after being relieved from the restraint in
which he was unjustly placed, personally presented a petition
to them stating in particular the abuse ...authority exercised
by the Collector to ruin your poor memorialist, narrating all
the facts from the beginning to the end and pointing out the
extreme injustice done to him and the ...l and the oppressive
proceedings of the Collector Mr. Vans Agnew who was prompted
solely by a prejudiced spirit, as will be seen from the Petition
itself, and praying for a Review of their former Order. The
Government should have taken into their favourable consideration
a case like this which is founded upon an abuse of authority
by a Collector and Magistrate as fully detailed in the Petition
but unfortunately for him they were only pleased to say that
his case cannot be reconsidered as prayed for by your Memorialist.
Finding no other alternative left for him he now humbly begs
to represent his unfortunate and unmerited sufferings to your
Lordships kind consideration and earnestly prays that with
that impartiality to your faithful and injured subjects for
which your Government is so very ce... your Lordship
will kindly peruse the accompany... Petition which he
submitted to this Government and ... enclosures and
confident as your Memorialist is that ...ur Lordship cannot
but be convinced of the reasonable...s of his representations
and demands, that your Lordships will ...ake amends for his
past countless sufferings in the ma...er it may seem
best to your Lordship.

The Review Petition sets forth ...how strong and great
Mr. Vans Agnew's kindness was, as he himself ...dmits as mentioned in
paras 16 to 20 and 28 to 30 of the Review Petition, to receive immediation
of anonymous petitions and to listen to ...e and malicious
representations against his subordinate ...ow much that

...in several a...
Memorialist and ...especially what unjust and unwarranted
measures he took ...carry out his ill-judged determination towards
your poor Memorial... but all of which fell to the ground owing to
their being contrar... justice, how his successive failures aggravated
his previous sev... displeasure towards Memorialist and only
set him to work ...renewed vigor and spite, how innocent patient
and obedient you... list was during all this period, what
abuse of author... what illegal steps he subsequently had
recourse to, and ...rt to how and in what unjust and cruel manner
he finally succee... running and bringing disgrace upon you
innocent Memorial... the Petition further in paras 24 to 26 sets
forth your Memorial... to antecedents and the very favorable
opinions of all the p... cessors of Mr. Vans Agnew, and other officers
like him regarding your Memorialist.

Your Memorialist humbly begs leave to assure
your Lordships of the correctness of all the facts enumerated in the
Petition, which will be further proved by the proceedings of Mr.
Vans Agnew, as also by a call for the records, if necessary. Your
Memorialist therefore fully trusts that your Lordship will come to
the conclusio... faithful and respectable servant has been
injustly ...h through his faults and defects but solely
through the prejud... feelings of the Collector Mr. Vans Agnew who
may be known to y... Lordship after he has once set his mind
the ruin of an indiv... never lacks the means and resolution to
bring about the d... end, not minding even their illegality.

Your Me... alist here begs leave to illustrate the abo...
mentioned characters ...and general predisposition and rashn...
the Collector by the fo... ng one out of many instances. 1st This in...
to take cognizance o... ces over which he has lawfully no contr...
inasmuch as they a... even if true, cases purely of a civil na...
such as that Memor... ts subordinate servants failed to pay
the article... t long ago; and 2nd his disposition to s...
them ... those imaginary offences in...

The ... Noble Richard Plantagenet Campbell
... ke of Buckingham and Chandos
Governor of Fort Saint George
Madras.

The humble and respectful Memorial of
Vemmganti Narayana Row, late Tahsildar
and Sub-Magistrate of Proddatoor
Taluq, in the Nellore District.

Most humbly Sheweth.

That with reference to Government
Order dated 22d September 1876 No 1898, he respectfully begs leave
to submit herewith a memorial with its enclosures to the
address of the Right Honorable the Secretary of State for
India, and to request humbly that Your Grace in Council
will be pleased to forward it to that authority with such
favorable recommendation as Your Grace may deem proper
in consideration of the immumerable evident injustices done
to him by ... Agnew, the Collector of Nellore as may
be seen from ... Review Petition to Your Grace which
forms an enclosure of that Memorial.

he shall, as in ... which act of kindness and favor
duty bound, ever pray.

Your Grace's Most Obedient & humble Servant

Vemmganti Narayena Row
Late Tahsildar of Proddatoor
in Nellore District.

Nellore
25th October 1876.

Madras
Triplicane
1st Nov ... 76.

... memorialist, has finally abandoned
... inquiring into them after his rejected and
those who complied with his wishes, to last
dismissing those who failed to depose aga
their places on other imaginary or fictitious
of these two characteristics to which Your
Lordship's reply, your memorialist begs to
Lordship's to paras 8 5/6, 37 10/11, 62 to 77.

Your memorialist can spe
of the misfortune, difficulties and vexatio
he has been doomed by the injust and the
done to him, of the slur cast upon his repute
inflicted upon him and of the stat... condition which has
necessarily followed by loss of his employ suit and the blighting
of all his future prospects and therefore ... most humbly prays
that Your Lordship will take a just, impartial, and
merciful view of the case of your innocent memorialist, a
helpless and injured native, who and whose ancestors held
respectable appointments under the British Government
and served them faithfully ever since they assumed the
sovereignty of the country and that Your Lordship will
direct the refund to your innocent ... sum of the
fine unmercifully imposed upon ... store him to
his office of which he has been so ... justly deprived by
Mr Vans Agnew.

For this act of ... and kindness
he shall ever feel grateful and ... fully urge to remain
Your Lordship's most ... and humble servant

Vemmganti Narayena Row
... Late Tahsildar and Sub Magistrate

a Nellore
25 October 1876

Madras

29-9b. 1898.
28-4-94: 136
Gen Sc. Rs. D. 10-11-73: 1981

State for India for
for the refund of the
fine imposed upon
him and for restoration
& his post.

Government of Madras.

No. 4918

Rev DEPARTMENT.

Petition No. 2204 of 1876.

From V. Narayana Rao

Occupation late Tahsildar and Sub Magistrate of

Village Woodiapiri

Talook

District Nellore

Dated 25th Octr } 1876.

Received 4th Novr }

G.R. 23 Novr 76 Enclosures 10

ABSTRACT. No. 1767

Submits for transmission a Memorial to the Right Honble the Secretary of

No. 2204 of 1876 & 25th Octr 1876.

Rec'd 4th Novr

From V. Narayana Rao,

late Tahsildar and

Sub Magistrate of Woodiapiri.

Nellore District.

Submits for transmission a Memorial to the Right Honble the Secretary of State for India, praying for the Refund of the fine imposed upon him and for restoration to his post.

2204

No 1767

Regd is informed that this Memorial will be submitted in due course to the Secy of State

Regd 6.

14 to Bd Revenue
1 Petitioner } 29/2/76

C. 9-11-76 C 11-11-76. C 13-11-76.
C. 10-11-76 B 13—. K 14—